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INTRODUCTION

Validity of Government Regulations, Circulars and Circular Memoranda

1. Government Regulations regulate matters relating to the conduct of Government business, the terms of appointment and conditions of service for Government servants, financial business and accounting operations, the management and procurement of Government stores and services, the security of Government records, and other miscellaneous matters. They do not provide for necessary and self-evident exceptions.

2. Save for Financial and Accounting Regulations and Stores and Procurement Regulations which are made under the provisions of the Public Finance Ordinance (Cap. 2), Government Regulations are Regulations made by or with the authority of the Chief Executive. The sole authority for their interpretation and application is the Chief Executive, or those to whom he has delegated such authority.

3. Government Regulations apply to all Government servants, except in so far as :-

- (a) a contrary intention appears in Government Regulations; or
- (b) an alternative provision is made for particular Government servants in a piece of legislation which applies in the Hong Kong Special Administrative Region; or
- (c) a Government Regulation is inconsistent with the terms of a piece of legislation applicable in the Hong Kong Special Administrative Region which apply to particular Government servants; or
- (d) a particular Government servant is excluded by the terms of his/her employment from the operation of a Government Regulation.

4. Government Regulations are divided into 7 Volumes as shown below. The following public officers have been authorised to amend, supplement, apply, interpret and make exceptions to the Regulations in each Volume as shown :-

Volume	Name	Authority
1	General Regulations	Director of Administration
2	Civil Service Regulations	Secretary for the Civil Service
3 (Part 1)	Financial and Accounting Regulations	Financial Secretary/ Secretary for Financial Services and the Treasury
(Part 2)	Standing Accounting Instructions	Director of Accounting Services
4	Stores and Procurement Regulations	Financial Secretary/ Secretary for Financial Services and the Treasury/ Permanent Secretary for Financial Services and the Treasury (Treasury) [#]
5	Security Regulations	Secretary for Security
6	Accommodation Regulations	Secretary for Financial Services and the Treasury
7	External Service Regulations	Secretary for the Civil Service/ Permanent Secretary for Commerce and Economic Development (Commerce, Industry and Tourism)/ Permanent Secretary for Constitutional and Mainland Affairs *

[#] The Permanent Secretary for Financial Services and the Treasury (Treasury) is authorised to apply, interpret and make exceptions to the Stores and Procurement Regulations and related Financial Circulars.

* The Permanent Secretary for Commerce and Economic Development (Commerce, Industry and Tourism) or the Permanent Secretary for Constitutional and Mainland Affairs is authorised to apply, interpret and make exceptions, where expressly stated, to the External Service Regulations in respect of staff posted to offices outside Hong Kong maintained by the Government of the Hong Kong Special Administrative Region.

5. Government Regulations may be supplemented by Circulars and Circular Memoranda and the instructions contained therein are of equal application and force to the Regulations. These Circulars and Circular Memoranda and their issuing authority are described below : -

General Regulations	General Circulars and Circular Memoranda	Director of Administration
Civil Service Regulations	Civil Service Bureau Circulars and Circular Memoranda	Secretary for the Civil Service
Financial and Accounting Regulations	Financial Circulars and Financial Services and the Treasury Bureau Circular Memoranda	Secretary for Financial Services and the Treasury
Standing Accounting Instructions	Accounting Circulars and Treasury Circular Memoranda	Director of Accounting Services
Stores and Procurement Regulations	Financial Circulars and Financial Services and the Treasury Bureau Circular Memoranda	Secretary for Financial Services and the Treasury
	Government Logistics Department Circulars and Circular Memoranda	Director of Government Logistics
Security Regulations	Security Bureau Circulars and Circular Memoranda	Secretary for Security
Accommodation Regulations	Accommodation Circulars and Circular Memoranda	Government Property Administrator
External Service Regulations	Civil Service Bureau Circulars and Circular Memoranda	Secretary for the Civil Service

6. Each set of Circulars is issued in a single numbered series with a new series for each calendar year. Circulars are reviewed annually and the first Circular of each calendar year indicates which of the previous Circulars remain in force. Circular Memoranda may be numbered as for Circulars and are subject to regular review by the concerned issuing authorities.

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Responsibility for Knowledge of Government Regulations, Circulars and Circular Memoranda

10. It is the duty of all Government servants other than staff on daily rates of pay to be thoroughly acquainted with all Government Regulations, Circulars and Circular Memoranda on Conduct and Discipline, and such other Government Regulations, Circulars and Circular Memoranda as appertain to their duties.

11. Where a Government servant disobeys or neglects or fails to observe the terms of Government Regulations, Circulars or Circular Memoranda on Conduct and Discipline appertaining to his/her duties, disciplinary proceedings may be taken against him/her and he/she may be held pecuniarily responsible for any financial loss to Government resulting from his/her disobedience, neglect or failure.

Distribution of Government Regulations, Circulars and Circular Memoranda

12. It is the responsibility of a Head of Department to see that all his/her staff (other than on daily rates of pay) are provided with, or have made available to them, Government Regulations, Circulars and Circular Memoranda on Conduct and Discipline and such other Government Regulations, Circulars and Circular Memoranda as appertain to their duties.

13. Government Regulations, Circulars and Circular Memoranda on Conduct and Discipline are available in a separate edition, of which there is a Chinese version. All Government servants (other than staff on daily rates of pay) shall on first appointment to the service be provided with, or have made available to them a copy of the Government Regulations, Circulars and Circular Memoranda on Conduct and Discipline either in English or Chinese as appropriate.

14. Copies of Government Regulations, Circulars and Circular Memoranda (other than the separate editions on Conduct and Discipline) are not to be regarded as the property of individuals but as part of the equipment of the office for which the copy is provided. It is the duty of Heads of Departments to ensure that copies of Government Regulations, Circulars and Circular Memoranda are not retained by officers when transferred to another office.

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16. All Civil Service Bureau Circulars, Financial Circulars and General Circulars are categorised, on the basis of their respective contents, into one of the following scales of distribution : -

Scale A - to be brought to the attention of all staff.

Scale B - to be brought to the attention of a particular group or groups of officers because of matters such as conditions of service, salaries and entitlements, rules and regulations applicable to them as individuals.

Scale C - to be brought to the attention of officers who, because of the functions of their posts, are required to take action on, or to be informed of, the circular.

Scale D - to be brought to the attention of officers who keep a copy of a particular set of Government Regulations and those, who because of the functions of their posts, are required to take action on, or to be informed of, the circular.

There is no fixed scale for distribution of Circular Memoranda. The normal distribution is usually Directors of Bureaux, Permanent Secretaries and Heads of Departments, with a copy to the Judiciary Administrator. However, any of the above scales may be used, if necessary.

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CHAPTER I

GOVERNMENT GAZETTE

Contents of the Gazette

100. The Gazette is published in seven parts:

- (a) The Main Gazette;
- (b) Legal Supplement No. 1 which contains Ordinances;
- (c) Legal Supplement No. 2 which contains Regulations, etc. (see GR 102(2));
- (d) Legal Supplement No. 3 which contains Bills;
- (e) Special Supplement No. 4 which contains lists of registered professional persons, etc. (see GR 102(4));
- (f) Special Supplement No. 5 which contains draft Bills published for general information, Executive Orders, Order of the State Council and other material not appropriate for inclusion in the Main Gazette or other supplements;
- (g) Supplement No. 6 which contains Bills, not being a Government measure, intended to affect or benefit some particular person, association or corporate body, public notices and advertisements.

101. The Main Gazette is a bilingual publication containing non-statutory material, e.g. appointments, notices, tenders, etc., and certain statutory notices and appointments which do not have the effect of adding to or amending the law. Government Notices are numbered 'G.N.', consecutively through the year with a new series for each calendar year. The same G.N. number will be applied to both the Chinese and English versions of a particular notice. Notices which appear on more than one occasion (e.g. notices calling for tenders) appear with the same serial number on each date of publication. Advertisements appear, unnumbered, at the end of Supplement No. 6.

102. (1) Legal Supplement No. 1 contains the Ordinances passed by the Legislative Council and signed and promulgated by the Chief Executive. Insertions in this supplement are not numbered as Government Notices or Legal Notices. The Ordinances are cited by its number among the Ordinances of the year in which it was enacted.

(2) Legal Supplement No. 2 contains the following legislation:

- (a) Promulgation of National Laws;
- (b) All Regulations, Rules and Bylaws made in Hong Kong;
- (c) Proclamations of the Chief Executive;

CHAPTER I – GOVERNMENT GAZETTE

- (d) Notices of the following types, the subject matter of which is regarded as being law of general application :

Orders of the Chief Executive and the Chief Executive in Council, Legislative Council Resolutions, Determinations, etc.

Legal Notices in Supplement No. 2 are numbered 'L.N. of 20..', consecutively through the year, with a new series for each calendar year.

(3) Legal Supplement No. 3 contains Bills published for presentation in accordance with Rule 52 of the Rules of Procedure of the Legislative Council without any serial numbering in the Gazette.

(4) Special Supplement No. 4 (numbered as G.N.(S.).... of 20..) contains periodical lists of registered professional persons, jurors, books registered with the Secretary for Home Affairs, fees, etc., which it is inconvenient to publish in the Main Gazette.

(5) Special Supplement No. 5 and Supplement No. 6 - see GR 100(f) and (g).

Preparation for Publication

103. The Gazette is normally published on Friday. The Assistant Clerk to the Executive Council of the Executive Council Secretariat in the Chief Executive's Office acts as the Editor. All Government Notices for publication in the Gazette should be forwarded to the Assistant Clerk to the Executive Council by the concerned policy bureaux if policy approval is required. Legal Notices should be accompanied by a certificate to the effect that the notice has been prepared by, or expressly cleared with, the Law Drafting Division of the Department of Justice.

104. (1) Gazette Notices in triplicate for inclusion in sections other than the Public Notices section must reach the policy bureaux concerned not later than 11.00 a.m. on Tuesday. The name of the originating department will appear in the top right hand corner of the Notice and the file number (if any) and the date of approval in the department at the bottom left. At the same time an additional copy of each Notice must be sent by the originating department direct to the Director of Government Logistics not later than 2.30 p.m. on Tuesday with an indication as to whom and where the proof should be sent for proof-reading except in the case of Notices for the Main Gazette.

CHAPTER I – GOVERNMENT GAZETTE

(2) If Notices are bulky or complicated, the originating department will forward the additional copy referred to in paragraph (1) above to the Director of Government Logistics not later than the preceding Friday.

(3) After approving the notices from originating departments, the policy bureaux concerned will send the notices to reach the Official Languages Division, Civil Service Bureau for vetting of the Chinese translations by 3.30 p.m. on Tuesday. Such notices will then be forwarded to the Assistant Clerk to the Executive Council by 9.30 a.m. on Wednesday. He/She will, after any necessary editing, immediately dispatch all the notices so as to reach the Director of Government Logistics the same day. If the originating department, the policy bureau concerned or the Assistant Clerk to the Executive Council makes subsequent amendments to the original draft referred to in paragraph (1) above, they should distinctively mark the amendments made before passing on the copy to the Director of Government Logistics for follow up.

(4) Legal Notices intended to be published in Legal Supplement No. 2 on Friday should be forwarded to the Assistant Clerk to the Executive Council not later than 2.30 p.m. on Tuesday. If the Notices are bulky or complicated, the closing time will be 2.30 p.m. on the previous Friday.

(5) Notices for the Public Notices Supplement (i.e. Supplement No. 6) will be sent direct by departments to the Director of Government Logistics not later than 4.00 p.m. on Monday.

(6) When Friday is a holiday the Gazette appears on the nearest previous working day. The closing dates in paragraphs (1) to (5) above are then similarly adjusted. When holidays occur on days which do not affect the publication date of the Gazette, an adjustment to the closing date should nevertheless be made to allow the usual number of full working days. Should any adjustment result in a closing date falling on a Sunday or Saturday then the actual closing time will be 2.30 p.m. on the previous Friday.

105. (1) The Director of Government Logistics is responsible for checking the proof of the Main Gazette. The originating departments and the policy bureaux concerned must ensure that draft Notices are accurate in every respect before forwarding them to the Assistant Clerk to the Executive Council and the Director of Government Logistics.

CHAPTER I – GOVERNMENT GAZETTE

(2) It is the responsibility of the Head of the originating Department (or of the Department of Justice in the case of Legal Supplements Nos. 1, 2 and 3 and Bills that appear in the Special Supplement No. 5 and Supplement No. 6) to see that proofs of Supplements to the Gazette are properly checked and returned to the Director of Government Logistics without delay.

(3) The Director of Government Logistics has the right to amend spelling to conform with Collins' Authors' and Printers' Dictionary unless special arrangements have been agreed beforehand.

(4) The indices for Legal Supplements Nos. 1, 2 and 3 and Special Supplement No. 5 will be prepared by the Department of Justice.

(5) Indices, contents, tables and referencing are based on the headings of notices, and it is therefore essential to include some guidance to the contents or actual subject matter of any notice in its heading. The short title of an Ordinance is very seldom an adequate heading on its own, and a 'CORRIGENDUM' should bear the same heading as the notice it corrects. Very brief notices may need no heading.

Keeping of the Gazette

106. Each issue of the Gazette will be uploaded by the Government Logistics Department to the e-Gazette website. Bureaux/Departments may decide on their own the need to keep the printed version of the Gazette and Laws of Hong Kong, having regard to their operational needs and circumstances as well as the requirements of respective Ordinances and Regulations. If hardcopy is to be kept, the number of copies should be kept to the minimum.

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Gazette Notices for Appointment, etc.

110. The following appointments and cessation of appointments of public officers, where there is no statutory requirement for gazetting of such appointments (see GR 117), are notified in the Gazette for the information of the public :

- (a) appointments (including substantive and acting appointments) and cessation of appointments (both substantive and acting) to Heads of Department and above posts, posts of equivalent status, and any other posts as may be prescribed by the Civil Service Bureau; and

CHAPTER I – GOVERNMENT GAZETTE

- (b) appointments (including substantive and acting appointments) and cessation of appointments (both substantive and acting) to offices of the Chief Justice of the Hong Kong Court of Final Appeal, permanent judge of the Hong Kong Court of Final Appeal, Chief Judge of the High Court, Justice of Appeal of the Court of Appeal of the High Court, Judge of the Court of First Instance of the High Court and District Judge.

Unless statutorily necessary (see GR 117), acting appointments are published in the Gazette only if they are for a duration of 15 working days or more. Draft notices prepared by departments should normally follow the forms described in GR 111 and 112 and must be forwarded to the policy bureaux concerned in accordance with GR 104. Appointments made with statutory authority by notice in the Gazette under specific Ordinances and Regulations should be gazetted in accordance with GR 117.

111. (1) The following are the forms for notices of appointments :

- (a) In the case of appointments of principal officials made by the Central People's Government upon nomination by the Chief Executive :

It is hereby notified that the Central People's Government has appointed the following principal officials of the Government of the Hong Kong Special Administrative Region, upon the nomination of the Chief Executive :

Name and Rank	Appointment	Date	Remarks
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- (b) In the case of appointments made with the authority of the Chief Executive :

It is hereby notified that the Chief Executive the Honourable (Name) has approved the following appointments :

Name and Rank	Appointment	Date	Remarks
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(2) If the appointment is a first appointment, the date of appointment should be the date of appointment as prescribed under Civil Service Regulation 124.

CHAPTER I – GOVERNMENT GAZETTE

(3) Remarks will include such information as “vice (name of previous post holder) on pre-retirement leave/final leave/etc.” (for substantive appointments), “vice (name of substantive post holder) on leave/duty visit/etc.” (for acting appointments), and “on resumption of duty by (name of substantive post holder)” (for cessation of acting appointments), etc.

112. (1) Acting appointments should not be styled as “Acting” under the “Appointment” column. Instead, the fact that an officer is acting in a post of higher rank should be indicated in the “Remarks” column. The remarks should read “acting (rank of the acting post e.g. Administrative Officer Staff Grade A, Director of Health) vice (if applicable)”. If the substantive holder of the post is known to be returning to it, his/her name should also be given in the “Remarks” column (see GR 111(3)).

(2) Cessation of appointments (including substantive appointments and acting appointments) should be shown as “Ceased to be (title of the post)” under the “Appointments” column. Details of the cessation of such appointments should be indicated in the “Remarks” column.

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116. Appointments, both of public officers and of private individuals, made by the Chief Executive to non-statutory Boards and Committees may also be notified in the Gazette for the information of the public. Where a person is appointed to a non-statutory Board or Committee the notice is in the following form :

MEMBERSHIP OF (COMMITTEE, ETC.)

It is hereby notified that the Chief Executive the Honourable (Name) has appointed to be a Member of the Committee with effect from (vice, or during the absence of).

117. Under certain Ordinances, Regulations, etc., powers are conferred on the Chief Executive to make appointments by notice in the Gazette to certain statutory offices, Boards or Committees. Such a notice will be in the following form :

CHAPTER I – GOVERNMENT GAZETTE

Heading (Short title of Ordinance) SUB-HEADING (SUBJECT OF NOTICE)

In exercise of powers conferred by section of the (short title of Ordinance)*, the Chief Executive the Honourable (Name) hereby appoints to be (for the purposes of)+ (vice, or during the absence of).

118. Under other Ordinances, Regulations, etc., powers are conferred on the Chief Executive to make appointments to certain statutory Boards or Committees, but the method of appointment is expressly prescribed. In such cases, the appointment is being effective either as from the moment when the Chief Executive decides to make the appointment, or as from any other date which the Chief Executive may specify. The notice of such an appointment will be in the following form:

Heading (Short title of Ordinance) SUB-HEADING (SUBJECT OF NOTICE)

It is hereby notified that, in exercise of the powers conferred by section of the (short title of Ordinance)*, the Chief Executive the Honourable (Name) has appointed to be with effect from (for the purposes of)+ (vice, or during the absence of).

It is not necessary to gazette a notice in this form if the appointee's name is to appear in a notice made under GR 110.

119. Where the Chief Executive has duly delegated the statutory powers of appointment, and those powers have been exercised on his behalf, the more appropriate wording is :

‘In exercise of the powers conferred on the Chief Executive by section of the (short title of Ordinance)* and delegated by him to, has appointed to be’.

* Year to be inserted only if not included in Loose-leaf Edition.

+ To be included only where the Ordinance requires the appointment to be made ‘for the purposes of this Ordinance’.

CHAPTER I – GOVERNMENT GAZETTE

120. Where a locum tenens has been appointed to a Board or Committee as in GR 116-118 during the absence, sickness, etc., of the substantive member, the following notice may be used, if desired, when the substantive member returns :

MEMBERSHIP OF (COMMITTEE, ETC.)

It is hereby notified that ceased to be with effect from on the return to Hong Kong (or on the resumption of office) of

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122. Deaths of officers appointed to the posts as prescribed in GR 110, or of any other officer whose death is desired to record in the Gazette (e.g. an officer with long or meritorious service or an officer killed on duty) are notified in the Gazette for the information of the public. When the death of such an officer occurs, the department concerned should forward the necessary information, including the name of the deceased officer and the date and circumstances of his/her death, and draft Gazette Notice to the Civil Service Bureau which will arrange for gazetting in accordance with GR 104.

123. Where powers of the Chief Executive are exercised by an Acting Chief Executive, the words 'The Honourable the Acting Chief Executive' is substituted for the words 'The Chief Executive the Honourable (Name)' where they appear in GR 111 et seq.

124. (1) The surnames of all persons named in the Government Gazette or in any official list (e.g. the Staff List, Clerical Grades List, appendices to Annual Reports, etc.) will be published in block capitals.

(2) Names of persons will be published in full when they first appear in the Gazette: thereafter initials are used in place of Christian names and also of Chinese personal names where the person is known to have adopted the practice of using initials.

125. (1) On the first occasion of gazetting the name of a person who has academic or professional qualifications which are commonly indicated by the use of letters, such letters should appear after his/her name.

(2) Honours, decorations and the designation J.P. for Justices of the Peace, should be included on all occasions for all persons so gazetted.

CHAPTER I – GOVERNMENT GAZETTE

(3) Honours, decorations and designations (J.Ps. etc.) will not be used when gazetting lists of members of any authorized professional bodies.

126. Where information is required by law to be published in the Gazette, the notice should so far as is practicable follow the phraseology of the Ordinance, etc. In the case of notices of intention and whenever there is doubt, legal advice will be sought unless clear precedents are available to be followed.

Chinese Version of Gazette Notices

127. (1) The Main Gazette is fully bilingual with the Chinese and English versions presented in two separate parts. All notices which are to appear in the Main Gazette should therefore be submitted in both Chinese and English or they will not be gazetted but returned to the originating departments or the policy bureaux concerned.

(2) In providing Chinese version for notices in the Main Gazette, the following guidelines should be observed :

- (a) Names of persons, companies and organisations should appear in English only if Chinese names are not available;
- (b) In notices announcing honours and awards, names of persons should appear in English only if Chinese names are not available and honours and awards e.g. G.B.M., should continue to be published in English only.

(3) Legal Supplements Nos. 1, 2 and 3 should be published in both Chinese and English.

(4) Special Supplements Nos. 4 and 5 should be published in both Chinese and English.

(5) Public Notices in Supplement No. 6 should be published in the language in which they are submitted.

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CHAPTER II – CEREMONIAL

Precedence

150. A precedence list of the Hong Kong Special Administrative Region is issued by the Director of Protocol at regular intervals.

151-169

Medals and Decorations

170. (1) No civil servant may accept the insignia of any foreign order, medal or decoration without the prior approval of the Government of the Hong Kong Special Administrative Region.

(2) Any such application for approval should be made to the Director of Administration.

(3) There is no restriction on a member of the public accepting or wearing the insignia of a foreign order, medal or decoration.

(4) The order of wearing medals is that foreign medals and decorations should come after the medals of the Hong Kong Special Administrative Region in terms of priority.

(5) British honours awarded in Hong Kong before the reunification are regarded as foreign awards.

171. Full instructions on these matters are issued by the Chief Secretary for Administration's Office. (Three sets of provisional guidelines, on Wearing of Medals, Miniature Medals, and Acceptance and Wearing of Foreign Medals and Decorations are currently in force. Enquiries on these matters may be directed to the relevant Heads of Departments or to the Director of Protocol.)

172. Medals are worn on formal occasions, such as the National Day Flag Raising Ceremony, the Hong Kong Special Administrative Region Establishment Day Flag Raising Ceremony, the Ceremony to Commemorate Those Who Died in the Defence of Hong Kong, or at a Presentation of Honours. This will be specified on the invitation card.

CHAPTER II – CEREMONIAL

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Wreaths

191. (a) Officials who have been Members of the Hong Kong Special Administrative Region Executive Council, in service or after retirement, and the Chief Justice or former Chief Justice of the Court of Final Appeal (or their spouses or parents) : a wreath should be sent by Secretary for the Civil Service in the name of the Chief Executive. The Chief Secretary for Administration and Secretary for the Civil Service will also each send a wreath in these cases.
- (b) Members or former Members of the Hong Kong Special Administrative Region Executive Council or Members or former Members of the Hong Kong Special Administrative Region Legislative Council (or their spouses or parents) : a wreath should be sent by Secretary for Home Affairs in the name of the Chief Executive. The Chief Secretary for Administration and Secretary for Home Affairs will also each send a wreath.
- (c) Principal Officials/Directors of Bureaux or equivalent either in service or after retirement (or their spouses) : wreaths will be sent by Secretary for the Civil Service in the name of the Chief Executive. The Chief Secretary for Administration and the Secretary for the Civil Service will also each send a wreath.
- (d) Judges of the Court of Final Appeal and the Chief Judge of the High Court (or their spouses) : a wreath should be sent by the Judiciary Administrator in the name of the Chief Executive. The Chief Justice of the Court of Final Appeal will also send a wreath.
- (e) Members of the Public Service killed on duty : a wreath should be sent by the Director of Bureau in the name of the Chief Executive, also by the Chief Secretary for Administration and by the Director of Bureau/Permanent Secretary/Head of Department as appropriate.

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- (f) Heads of Departments (other than Principal Officials) in service or after retirement : wreaths will be sent by the appropriate Director of Bureau/Permanent Secretary.
- (g) Members of the Public Service either in service or after retirement : a wreath should be sent by the Director of Bureau/Permanent Secretary/Head of Department/Head of Grade as appropriate.
- (h) Non-official Justices of the Peace and other persons prominent in the field of public service (or their spouses) : a wreath should be sent by the Chief Secretary for Administration and also by the Secretary for Home Affairs.
- (i) Hong Kong Deputies to the National People's Congress and the Hong Kong Members of the Chinese People's Political Consultative Conference : a wreath should be sent by Secretary for Constitutional and Mainland Affairs in the name of the Chief Executive. The Secretary for Constitutional and Mainland Affairs will also send a wreath.
- (j) The Chief Executive, Chief Justice, Principal Officials, Bureaux Secretaries or equivalent, Permanent Secretaries, Under Secretaries and Heads of Departments may send wreaths to persons (or their spouses or parents) where the persons concerned have in the past worked closely with the Judiciary or the Administration. These officials may also send wreaths in other circumstances where they consider necessary and appropriate, e.g. to members of the public whose deaths arouse great public concern.
- (k) Where deaths occur abroad of persons referred to in (a) to (j) above, the relevant officers should use their discretion in deciding what action is appropriate. This will depend on the circumstances, e.g. the time elapsed between the occurrence of the death and its coming to notice and any other special considerations, such as family requests. In some cases, wreaths will not be appropriate and it may be desirable to send instead a letter of condolence signed by, or on behalf of, the Chief Executive or by the relevant officer.
- (l) At the Ceremony to Commemorate Those Who Died in the Defence of Hong Kong, the Chief Executive, the Chief Justice of the Court of Final Appeal, the President of the Legislative Council and the Convenor of the Non-official Members of the Executive Council will each lay a wreath.

CHAPTER II - CEREMONIAL

192. In each case the cost of the wreath will be at the discretion of the Controlling Officer who will have regard to the specific availability of funds and the general need to exercise economy in the expenditure of public funds for which he is accountable. The charge will be met from the department's provision for incidental expenses.

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Display of Flags and Emblems

196. Administrative guidelines for the display of the National and Regional Flags and the National and Regional Emblems are issued by the Chief Secretary for Administration's Office.

Flying of Flags at Half Staff

197. The Central People's Government will advise the Chief Executive when the national flag should be flown at half staff. Instructions for flying the national flag at half staff will be issued by the Chief Executive or the Director of Protocol.

198. The regional flag should be flown at half staff as a token of mourning if the Chief Executive considers it is appropriate. Instructions will be issued by the Chief Executive or the Director of Protocol.

199

CHAPTER III GOVERNMENT TRANSPORT

Management of Government Vessels and Crews

200. The Marine Department is responsible for the overall efficient management of the fleet of Government vessels. It is also responsible for the design, procurement, maintenance and disposal of Government vessels.

201. Departments having Government vessels allocated to them are responsible for the efficient use and deployment of such vessels.

202. The Marine Department is responsible for the examination and certification for marine qualifications of all deck and engine-room crews of Government vessels.

203. No person on board a Government vessel may interfere with or obstruct the master or duly qualified officer in charge of the vessel/engine in executing his/her duties.

204

205. Applications for the use of a Government vessel for duty purposes should normally be made in writing to the Marine Department not less than 48 hours before the vessel is required. In an emergency, arrangements may be made by telephone with confirmation in writing afterwards.

206. No unauthorised person may be allowed on board any Government vessel. The master or duly qualified officer in charge of the vessel is responsible for ensuring that this regulation is observed at all times; otherwise he/she may be liable to disciplinary proceedings for breach of this regulation.

207. An officer using a Government vessel must ensure that the log-book for the vessel is properly entered up and signed (in accordance with the instructions printed on the inside cover thereof) before he/she leaves the vessel.

208-233

CHAPTER III – GOVERNMENT TRANSPORT

Management of Government Vehicles

234. The Government Logistics Department is responsible for the overall efficient and economical management and operation of the fleet of Government vehicles.

235

Procurement of Government Vehicles

236. (1) The Government Logistics Department is responsible for the procedures, administration and co-ordination of the procurement of all Government vehicles with the exception of certain specialised vehicles as mutually agreed amongst the Government Logistics Department, user departments and the Electrical and Mechanical Services Trading Fund. For the procurement of such specialised vehicles, the Electrical and Mechanical Services Trading Fund may provide technical support at a charge under its trading fund operation.

(2) The Electrical and Mechanical Services Trading Fund is responsible for providing, updating and promulgating to bureaux/departments a list of the plant and equipment (to which GR 236(1) does not apply), for which it provides procurement service.

Transport Management Information System

237. The Government Logistics Department is responsible for maintaining the Transport Management Information System which provides essential information for the effective management of the fleet of Government vehicles. Bureaux/Departments are required to forward to the Government Logistics Department a monthly return on vehicle utilisation of their departmental vehicles.

238-239

CHAPTER III – GOVERNMENT TRANSPORT

Pool Transport

240. The Government Logistics Department is responsible for the organisation and control of the Transport Pool and its staff and vehicles. The Transport Pool provides transport services to bureaux/departments as required, subject to the full utilisation of their own vehicles in the first instance. The procedures and charges for hiring pool transport services are set out respectively in the relevant Circular and Circular Memorandum issued by the Director of Government Logistics.

241-245

Official and Other Authorised Uses of Government Transport

Official Use of Departmental Transport

246. Permanent Secretaries/Heads of Departments may permit officers to use departmental transport on duty journeys undertaken on operational, administrative, technical, training or organisational purposes of the Government. Permanent Secretaries/Heads of Departments should ensure that the use of departmental transport for duty journeys is well justified. They should take all factors into consideration, including the availability of a departmental car, occupational safety and health of Government drivers, and resource implications with regard to overtime work of the drivers, etc.

Official Use of Pool Transport

247. An officer may use the pool transport on duty journeys if a departmental car is not available and the use of public transport cannot achieve the purpose.

248

Misuse of Government Transport

249. Any journey by Government transport that is not made in the course of the official duties of a Government officer or as permitted by the relevant regulations will be regarded as misuse of Government transport. An example of such misuse is travelling between home and office, except that authorised under GR 256 or GR 258. The officer concerned will be required to pay the total actual cost involved to the Government and may be liable to disciplinary proceedings for the misuse of the vehicle.

CHAPTER III – GOVERNMENT TRANSPORT

Use of Government Transport for Non-official Purposes

250. An officer may be permitted to use Government vehicles, if available, only for such private purposes as provided for under CSR 893(2), CSR 893(3), CSR 895(1), External Service Regulation 3.7 and GR 258. The use or hire of Government transport by/to individual officers for any other private purpose is not permitted. The hire of Government vehicles to any commercial agency is not permitted except with the approval of the Director of Government Logistics.

Interpretation

251. In case of doubt as to what constitutes the use of Government vehicles for an official purpose, a ruling should be sought from the Director of Government Logistics.

252-255

Use of Government Transport by Judges and Directorate Officers

256. Subject to such directions as may be issued by the Chief Secretary for Administration from time to time:

(1) The Chief Justice of the Court of Final Appeal is provided with an official car and may use it for all purposes without charge.

(2) Permanent Judges of the Court of Final Appeal and the Chief Judge of the High Court may use a Judiciary car, if available, for all purposes without charge. Where a Judiciary car is not available, they may use the specifically allocated Transport Pool cars, if available, for all purposes without charge. The costs of using the Transport Pool cars will be charged to the expenditure vote of the Judiciary.

(3) Directorate officers on salary point D7 and above (or equivalent), may use a departmental car, if available, for all purposes without charge. This regulation does not apply to those politically appointed officials who are individually provided with the free use of a car at their discretion in Hong Kong in accordance with Clause 6.1 of the “Code for Officials under the Political Appointment System”.

CHAPTER III – GOVERNMENT TRANSPORT

(4) Non-Permanent Judges of the Court of Final Appeal, Justices of Appeal of the Court of Appeal of the High Court and Judges of the Court of First Instance of the High Court may use a Judiciary pool car, if available, for all purposes without charge. Where a Judiciary pool car is not available, they may use the specifically allocated Transport Pool cars, if available, for all purposes without charge. The costs of using the Transport Pool cars will be charged to the expenditure vote of the Judiciary.

(5) Directorate officers on salary points D4/DL4 – D6/DL6 (or equivalent) who are –

- (i) Heads of Departments or holders of posts of equivalent status; or
- (ii) Deputy Secretaries or holders of posts of equivalent status in the Government Secretariat; or
- (iii) Deputy Heads of Departments or holders of posts of equivalent status

may use a departmental/pool car, if available, without charge –

- (a) for not more than one home-to-office return journey per day; and
- (b) to attend any function in or outside office hours, but only when the invitation arises from their official position.

(6) Directorate officers on salary point D6/DL6 or below (or equivalent) may use a departmental car, if available, without charge, or if a departmental car is not available, may be reimbursed the cost of travelling by public transport up to the cost of a taxi fare, for visits to the doctor, dentist, or for hospital treatment, from office or any other place of work and return.

(7) Directorate officers other than those covered by GRs 256(3) and 256(5) may use a departmental car, if available, without charge to attend functions arising from their official position, in or outside office hours.

(8) Departmental cars are not allocated for the exclusive use of departmental heads, officers of equivalent status, or other eligible users. Departmental or operational requirements take precedence.

CHAPTER III – GOVERNMENT TRANSPORT

Use of Government Vehicles for Journeys between Home and Office

258. The use of Government vehicles for journeys between home and office by officers other than those covered by GR 256(1) to GR 256(5) may be approved exceptionally under the circumstances stated in CSR 733.

259-260

Duty Travel Outside Hong Kong

261. Officers on approved duty visits outside Hong Kong may be authorised by Permanent Secretaries/Heads of Departments (or Directors or Heads of offices outside Hong Kong) to use Government vehicles, if available, free of charge for journeys between home/temporary residence outside Hong Kong and the place of departure/arrival.

262

Economy and Co-ordination in the Use of Government Transport

Need for Economy

263. Economy must be pursued in the operation of all Government transport. The use of Government transport for conveyance of personnel should be discouraged unless public transport is inaccessible or the situation makes it absolutely necessary. The use of public transport is to be given preference whenever practicable.

264

Inter-Departmental Co-ordination

265. In case of an emergency, or if the situation warrants, vehicles of one bureau/department, and in some cases specialised vehicles, may be loaned temporarily to another bureau/department for official use, provided that such practice will not affect the normal operation of the bureau/department from which the vehicle is borrowed. When such a requirement arises, the bureau/department concerned should consult the Government Logistics Department on the appropriate procedures.

Hire of Commercial Transport

267. Commercial transport may be hired for duty journeys and approved journeys between home and office only when no suitable departmental or pool transport is available. Permanent Secretaries/Heads of Departments must seek approval from the Director of Government Logistics before hiring commercial transport, except for vehicle types that are not available for booking at the Government Logistics Department's Transport Pool for which the authority to hire commercial transport (including hourly-hired taxis) has been delegated to Controlling Officers. Guidelines on the use of hourly-hired taxis for duty journeys are available on the Central Cyber Government Office while the procedures for hiring other forms of commercial transport are set out in the relevant Government Logistics Department Circular.

Tunnel and Road Passes and Use of Vehicular Ferries

269. (1) Government vehicle passes for Government tolled tunnels and roads including Aberdeen Tunnel, Cross Harbour Tunnel, Eastern Harbour Crossing, Lantau Link, Lion Rock Tunnel, Shing Mun Tunnels, Tate's Cairn Tunnel, Tseung Kwan O Tunnel and those within the Tsing Sha Control Area are issued to bureaux/departments by the Commissioner for Transport for the use of Government vehicles. These passes are obtainable by application to the Departmental Transport Officer or other officers specifically authorised by Permanent Secretaries/Heads of Departments. For non-Government-owned tunnels including Discovery Bay Tunnel Link, Tai Lam Tunnel and Western Harbour Crossing, tolls may be paid in cash or by pre-paid tickets as in GR 269(2).

(2) Fares/tolls/tax may be paid in cash for the use of non-Government-owned tunnels and subsequently recouped from the departmental imprest account, or by pre-paid coupons/toll tickets which are obtainable by application to the Departmental Transport Officer or other officers specifically authorised by Permanent Secretaries/Heads of Departments. For Government vehicles which have used the automatic toll collection system, fees for the use of non-Government-owned tunnels may be debited in arrears and paid to the company concerned by cheque. Should the vehicular ferry service (which is available for dangerous goods vehicles only) be used, fees for the use of such service may be debited in arrears and paid to the company concerned by cheque.

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(3) For authorised private vehicles on duty journeys, the use of Government tunnel and road passes and pre-paid coupons/toll tickets is subject to the provisions of CSR 727(4).

(4) Government vehicles used in emergencies, e.g. Police vehicles, fire appliances and ambulances, need not stop at toll booths. The respective tolled tunnel or road authorities will subsequently forward the usage details to the departments concerned. Where possible, departments sending vehicles through tolled tunnels or roads in emergencies should alert the relevant authorities in advance.

270-280

Government Driving Permits and Driving Licences

Issue of Government Driving Permits

281. (1) A Government vehicle may not be driven by any officer who does not hold a valid Government Driving Permit. Such permits are issued by the Director of Government Logistics, subject to the officer's passing of a special driving test.

(2) A Government Driving Permit holder should make an application to the Commissioner for Transport for the issue of a driving licence in respect of Government vehicles (Class 16). Similarly, a learner driver of Government vehicles should apply for a learner's driving licence with Class 16 unless he/she is the holder of a driving licence with Class 16 entitlement.

Drivers of Police and Fire Services Department Vehicles

282. GR 281(1) does not apply to drivers of Police and Fire Services Department vehicles, who are selected, tested and issued with driving permits by their department and are for all purposes on their departmental establishment.

283-286

CHAPTER III – GOVERNMENT TRANSPORT

Driving of Government Vehicles in Emergencies

287. In an emergency, a Permanent Secretary/Head of Department or any officer deputed by him/her may authorise any officer who is the holder of a valid civilian licence to drive any Government vehicle in the category for which the officer is so licensed.

288-290

Departmental Motor Cycles and Motor Scooters

291. Motor cycles and motor scooters are allocated to departments as self-driven vehicles. They should as far as possible be allotted to designated officers who shall be responsible for the cleanliness and good order of the particular vehicles allotted.

292-306

Parking of Government Vehicles

Parking of Government Vehicles outside Working Hours

307. All Government vehicles should be parked in a departmental garage or in a secure place off the public highway outside working hours. It is the driver's responsibility to ensure that all doors and windows are closed and locked before leaving the vehicles.

Parking of Government Vehicles at Government Multi-Storey Car Parks and Metered Parking Spaces

308. A Government vehicle may be parked at a metered parking space or a Government multi-storey car park if the duties of the officer using it make it essential that it should stop in the vicinity, and no free parking spaces are available. Parking fees may be reimbursed from the departmental imprest account.

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Parking of Government Vehicles Self-driven by Designated Officers

309. Government vehicles self-driven by designated officers should be parked in the departmental garage when not in use, unless the designated officer has been authorised personally by his/her Permanent Secretary/Head of Department to garage or park the Government vehicle at his/her place of residence. When considering applications from designated officers to retain such vehicles at their place of residence, the following factors should be taken into consideration:

- (a) potential security risk;
- (b) distance from the departmental garage with parking spaces available;
- (c) public transport facilities available;
- (d) hours of work and possible requirement for emergency use (e.g. where the designated officer works in the Fire Services Department);
- (e) non-productive travelling and overtime which can be saved; and
- (f) suitability of garaging/parking facilities available at the place of residence.

When a Government vehicle is parked at the designated officer's place of residence under such approval, he/she should be responsible for safeguarding the vehicle from tampering, damage and theft.

310-313

Maintenance, Disposal and Transfer of Government Vehicles

Responsibility for Vehicle Maintenance and Roadworthiness

314. (1) The Electrical and Mechanical Services Trading Fund provides vehicle maintenance service at a charge under its trading fund operation. Alternatively, bureaux/departments may seek the service from other service providers. The procedures prescribed in the relevant Financial Circulars and Stores and Procurement Regulations should be followed.

CHAPTER III – GOVERNMENT TRANSPORT

(2) Upon request by client bureaux/departments, the Electrical and Mechanical Services Trading Fund will carry out servicing, maintenance and annual roadworthiness inspection of Government vehicles for the bureaux/departments concerned.

(3) The Electrical and Mechanical Services Department is responsible for maintaining a register of Government vehicles and the allocation of registration mark of all Government vehicles with the exception of fire appliances which are maintained by the Fire Services Department.

(4) Bureaux/Departments are responsible for the roadworthiness of and arranging periodic examination at the vehicle examination centres and car testing centres designated by the Transport Department for their vehicles under the maintenance of private sector service providers; whereas the Electrical and Mechanical Services Department will continue to be responsible for registering these vehicles upon their passing of the requisite vehicle examinations.

315-316

Maintenance and Disposal of Departmental Vehicles

317. (1) Bureaux/Departments should ensure that their vehicles are regularly maintained and that vehicles with preventive maintenance work overdue or not certified to be roadworthy are withdrawn from the road.

(2) When corrective maintenance of departmental vehicles arising from breakdown, accidents or otherwise is called for, the bureau/department concerned may either order the service of the Electrical and Mechanical Services Trading Fund, or choose the service of private sector service providers with proper control over the authorisation and recording of such orders.

(3) For disposal of departmental vehicles which have reached the end of their economic life or may not be economical to be repaired, bureaux/departments should follow the guidelines as stipulated in the relevant Government Logistics Department Circular.

318

CHAPTER III – GOVERNMENT TRANSPORT

Transfer of Vehicles within and between Bureaux/Departments

319. If vehicles are transferred between regions within a bureau/department or transferred between bureaux/departments, the Government Logistics Department and the Electrical and Mechanical Services Department should be informed immediately.

320-359

Management of Government Aircraft

360. The Government Flying Service operates helicopters and fixed-wing aircraft primarily for internal security, search and rescue and casualty evacuation purposes. However, when training and operational commitments permit, the Government Flying Service may carry out suitable flying tasks (including the carriage of Government officers) for other bureaux/departments. Such flights, however, will only be approved if they are considered to be in the public interest and when no other form of transport would be suitable in the circumstances.

361. General approval is given for the following persons to travel as passengers in the aircraft of the Government Flying Service subject to the provisions of GR 360 (although civilian personnel may decline to fly if they so wish):

- (a) members of the Executive Council and the Legislative Council on duty;
- (b) Government officers on duty;
- (c) members of the auxiliary services on duty;
- (d) Justices of the Peace on official visits;
- (e) persons carried as a result of emergency operations; and
- (f) personnel engaged on maintenance of the aircraft or equipment installed in the aircraft who are required to travel on test flights.

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362. No passengers other than those listed in GR 361 will be carried in the aircraft of the Government Flying Service except with the prior approval of the Controller, Government Flying Service.

Emergency Flights

363. When an aircraft is required for an emergency task (e.g. a casualty evacuation or a search and rescue operation), a request should be made by telephone to the Headquarters Command Control Centre of the Hong Kong Police Force (Tel: 3661 7100).

Routine Task Flights for Bureaux/Departments

364. (1) Requests for passenger or other task flights not in emergency situations should be initiated by sending a completed flight request form (OM 289) from a Government official e-mail account to flightbooking@gfs.gov.hk no earlier than three months of the flight. The form can be downloaded from the website of the Government Flying Service. Any request sent from a non-official e-mail account or by fax will not be accepted.

(2) If the flight request is accepted, the Government Flying Service will send the soft copy of the application form for flight (OM 288) to the applicant. Two copies of the application form should be completed and certified by the authorising officer who is authorised to sign the application form (normally an officer of directorate level). One copy should be sent to the Government Flying Service by e-mail/fax at least three working days prior to the date of the flight while the second copy must be made available to the crew of the aircraft at the time of flight.

365. It is important that aircraft are only used by Government officers when there is good reason for doing so, i.e. no other form of transport would satisfy the particular need. It is not enough to book an aircraft in routine circumstances simply because it happens to offer a quicker way of getting from place to place. Since it is impracticable to lay down precisely the circumstances in which the use of aircraft by Government officers is justified, responsibility is placed on Permanent Secretaries/Heads of Departments and their authorised senior officers to make sure that every request is necessary. The Government Flying Service may be approached for advice in such regard.

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366. Flights arranged for Justices of the Peace on the authority of a bureau/office in the Government Secretariat will not require completion of Part B of the application form (OM 288). However, Part A should be sent to the Government Flying Service in the normal way. Justices of the Peace will not be required to produce the second copy of the form to the crew of the aircraft.

367. The Controller, Government Flying Service has discretion to determine the type of aircraft (i.e. helicopter or fixed-wing aircraft) to be used for a particular flight, to allocate priorities and to reject applications for flights if necessary.

368. If a passenger is likely to arrive late at any pre-arranged landing point, he/she should inform the Air Command and Control Centre of the Government Flying Service (Tel: 2769 4451) as soon as possible. A passenger who fails to do so and arrives late may find that the aircraft has left and he/she will have to make other transport arrangements.

369. Passengers other than those included on the application form and deviations from the route specified on the application form will not be permitted except with the prior agreement of the Controller, Government Flying Service.

370-372

Insurance Coverage

373. All aircraft of the Government Flying Service are insured for normal flying risks in the same way as commercial aircraft in accordance with section 6 of the Civil Aviation (Insurance) Order (Cap. 448F). Details of the insurance coverage can be obtained from the Government Flying Service.

374-399

CHAPTER V LEGAL MATTERS

Preparation of New Legislation

450. The following regulations on the preparation of new legislation are intended to cover the generality of cases and should be read in conjunction with the guidelines on the preparation of drafting instructions set out in the Appendix to this Chapter. There will be occasions when circumstances demand a deviation from the principles and procedures outlined below, e.g. where the proposed legislation is particularly urgent.

Proposal for Legislation

451. When a Head of Department or any other Government agency (the originator) considers that new or amending legislation is required, he must first secure support in principle from the appropriate Director of Bureau. For this purpose, a clear statement of the proposals in general terms is required. The statement should demonstrate that :

- (a) legislation is necessary in the public interest and that other options such as voluntary agreements or non-statutory codes of practice cannot achieve the objective;
- (b) all major implications of the proposal, i.e. in policy, implementation, human rights, binding effect on the “State” or particular organs of it, treaty obligations, Basic Law, resources and public relations terms, have been considered and that Financial Services and the Treasury Bureau has been consulted if additional resources will be required;
- (c) the proposal is not inconsistent with the Basic Law;
- (d) the views of other parties affected have been considered;
- (e) consideration has been given to seeking advice from the Independent Commission Against Corruption (ICAC) in view of its responsibilities for identifying practices, procedures and policies which may be conducive to corruption, and for advising on methods for eliminating or reducing these. Also, if the proposed legislation establishes a new organization, that ICAC has been consulted as to whether it should be a Public Body under

CHAPTER V - LEGAL MATTERS

section 2 of the Prevention of Bribery Ordinance (Cap. 201) and that Director of Administration has been consulted as to whether it should be included in Schedule 1 to The Ombudsman Ordinance (Cap. 397) and be subject to the provisions of the Ordinance;

- (f) if the proposal concerns the Hong Kong Garrison, consideration has been given to the requirement to consult the Hong Kong Garrison under Article 10 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region; and
- (g) if the proposal may affect the privacy of individuals in relation to personal data, consideration has been given to the Personal Data (Privacy) Ordinance (Cap. 486) and the need to consult the Privacy Commissioner for Personal Data.

Consultation with Law Officer (Civil Law)

452. The statement of proposals should be sent to the Law Officer (Civil Law) so that he can advise whether the Secretary for Justice has any objections in principle and whether legislation is necessary to achieve the stated aim. His advice should cover whether primary legislation, subsidiary legislation or other options such as statutory codes of practice is more appropriate to give effect to the proposals. The statement should also be copied to all interested Departments, Policy Bureaux and other parties as necessary, and to the Law Draftsman so that he will be aware of the proposal.

Secretariat Approval

453. Before giving approval in principle to a drafting proposal the Director of Bureau should :

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- (a) satisfy himself, taking into account the Law Officer (Civil Law)'s advice, that the matter is one which should be dealt with by legislation, that the form of the legislation proposed is appropriate;
- (b) ensure that all interested parties within the Administration have had an opportunity to comment on the proposals and that consideration has been given to the need for consultation with concerned parties outside the Administration at that stage;
- (c) satisfy himself that consideration has been given to consulting ICAC and where advice has been offered that it has been taken into consideration;
- (d) satisfy himself that consideration has been given to the resources required to enforce the proposed legislation, and to the timing of their availability;
- (e) ensure that the proposals will be in conformity with the Basic Law including the provisions concerning human rights;
- (f) if the proposal concerns the Hong Kong Garrison, satisfy himself that steps have been or will be taken to consult the Hong Kong Garrison in accordance with Article 10 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region;
- (g) if the proposal may affect the privacy of individuals in relation to personal data, satisfy himself that the question of consistency with the Personal Data (Privacy) Ordinance (Cap. 486) has been considered and, where it is considered that there is a need to consult the Privacy Commissioner for Personal Data, that such consultation has been or will be carried out;
- (h) ensure that all implications of the proposals have been identified and examined in detail in the light of (b), (c), (d), (e), (f) and (g); and

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- (i) where the proposals are considered to be of major public concern or will break new ground or are likely to lead to public controversy, submit a policy document in respect of the proposals to the relevant Chief Secretary for Administration's Policy Group or (in the case of financial and economic matters) to the Financial Secretary, for the purpose of obtaining clearance to issue drafting instructions.

Policy Secretaries are personally responsible for deciding at this stage whether legislative proposals should proceed and if so, whether the proposals need the approval of the Committee on Legislative Priorities. All legislative proposals other than budget legislation and subsidiary legislation, including legislative proposals under the localisation of laws and adaptation of law programme, should be submitted to that Committee. Policy Bureaux should plan ahead the target dates for the introduction of bills into the Legislative Council and respond to the Committee's invitation for bids for Legislative slots accordingly. The legislative programme for bills in the first half (October to February) and the second half (March to July) of a legislative session is normally decided by the Committee six months ahead.

Preparation of Drafting Instructions

454. When a Director of Bureau has approved proposals in principle and, where necessary, obtained clearance in accordance with paragraph (i) of GR 453 or from the Committee on Legislative Priorities, he will inform the originator and the Law Draftsman. The originator should then proceed with the compilation of formal drafting instructions. He should also nominate himself or another officer as instructing officer, with authority to amend or supplement the instructions and to liaise with the draftsman. As all legislation is now bilingual, where the instructing officer is responsible for only one of the two texts of the legislation, an officer responsible for the text in the other official language should also be appointed.

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455. (1) In compiling formal instructions it will usually be necessary to seek the advice and assistance of the Law Officer (Civil Law). It may also be desirable to consult other interested departments and outside bodies. Drafting instructions should be clear and detailed enough to permit drafting to proceed with the minimum of subsequent consultation and changes.

(2) Drafting instructions may be either in ordinary narrative prose or in tabular forms depending on the nature of the instructions (The narrative form is generally preferable except for minor amendments). They should not be in the form of draft legislation unless the Law Draftsman has first given his agreement.

(3) For further guidance on drafting instructions and to ensure proper standards, see the guidelines set out in the Appendix to this Chapter, and the Check List to the Appendix.

Issue of Drafting Instructions

456. (1) Instructing officers should address drafting instructions direct to the Director of Bureau for approval and, at the same time, send a copy to the Law Draftsman. Drafting instructions should not be approved by the Director of Bureau unless he is satisfied that they are comprehensive and appropriate and that all policy and practical implications have been provided for.

(2) As decided by the Committee on Legislative Priorities on 12 December 1995, Bureaux are required to pass drafting instructions to the Law Draftsman before bidding for a legislative slot to introduce a particular bill. After approval has been given by the Committee, instructing officers must confirm with the Law Draftsman that the scheduled date for the bills is accepted.

457. If the Law Draftsman is unable to start work on an item immediately, he will inform the Director of Bureau and the instructing officer with other interested parties being consulted as necessary.

Further Instructions

458. Once the Law Draftsman starts work on an item, any further instructions sought by him must be supplied by the instructing officer without delay. It is generally preferable that consultation between those

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concerned should be by discussion rather than memorandum. Every effort should be made to keep to a minimum the number of drafts requested leading up to the final draft.

Presentation to Executive Council

459. When drafting work is complete, the Law Draftsman will send the completed draft to the instructing officer who will copy it to all Departments concerned. (In appropriate cases at the request of the instructing officer, the Law Draftsman may send copies direct to the Departments.) Departments will ensure that the draft achieves the aims of the drafting instructions and will send comments either to the instructing officer or to the Law Draftsman, as appropriate. The instructing officer will also consider to which other departments, committees or outside bodies (if any) the draft should be sent before it begins the final legislative stage. Such further reference should be avoided wherever possible as it should have taken place during the compilation of drafting instructions, but there may be occasions when it is unavoidable or desirable.

460. (1) In the case of draft legislation which is required to be made or approved by the Executive Council, the Executive Council memorandum should be prepared concurrently. For guidance on this refer to the appropriate Executive Council Procedures Manual. When the Department and the Secretariat Bureau confirm their agreement with the draft legislation and the related Executive Council memorandum, the Law Draftsman will prepare the final draft of the legislation in the form in which it will be put to the Executive Council. He will then make this available to the instructing officer for transmission to the Clerk to the Executive Council as soon as the covering Executive Council memorandum has been cleared by the Secretary for Justice or by the Law Draftsman on behalf of the Secretary for Justice.

(2) Note that the Secretary for Justice requires at least 7 days for clearance of Executive Council memoranda.

Explanatory Memorandum or Note

461. An Explanatory Memorandum is required by the Rules of Procedure of the Legislative Council to be attached to Bills. It should contain a description in layman's language of the contents and objects of the legislation and is written in the Law Drafting Division. In the case of

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subsidiary legislation, it is the practice to attach an Explanatory Note to indicate the legal effect of the subsidiary legislation. This is also written in the Law Drafting Division.

Monitoring Progress

462. Policy Secretaries and Heads of Departments should personally check from time to time on progress being made on legislative items originated by them or within their area of responsibility, and take appropriate action where there appears to be undue delay. The action required may be to call a meeting to resolve some outstanding policy matter, or even a recommendation for removal from the legislative programme where substantial policy issues are unlikely to be resolved in the immediate future. Policy bureaux should continue to monitor closely the progress of legislation after its introduction into the Legislative Council, and should give consideration to withdrawing a bill under consideration by a bills committee or other relevant committee of the Legislative Council, if issues raised by the committee are unlikely to be resolved quickly.

463-474

Use of Maps in Legislation

475. (1) Policy Secretaries and Heads of Departments concerned with legislation in which maps are to be used should ensure that, before drafting instructions are issued to the Law Draftsman, maps designating areas where statutory provisions are to apply or to be removed, have either been prepared by the Deputy Director/Survey & Mapping or have been approved by him. Where this has been done, a statement to that effect should be included in the drafting instructions.

(2) For the drafting of legislation which is to be brought into operation urgently, Bureaux and Departments should attempt, wherever possible, to forward drafting instructions together with the required map(s) to the Law Draftsman in ample time for any inadequacies or discrepancies in the maps to be rectified.

(3) Where practicable, a detailed description of any established and recognizable boundaries of the areas to be designated should also be provided so that the Law Draftsman may decide whether or not it should be included in the legislation in addition to a reference to a map.

476-479

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Legal Advice

480. (1) Requests for legal advice should be addressed to the Law Officer (Civil Law).

(2) All relevant facts should be summarized in a memorandum or minute. The summary should include references to the appropriate documents. The original documents or copies of them should be attached or flagged on the file, as may be appropriate.

(3) The memorandum or minute seeking advice should draw attention to any statutory provision, legal decisions and previous legal advice, which the officer seeking the advice considers relevant.

(4) It is the responsibility of the officer seeking advice to extract and summarize all the relevant facts, and care must be exercised in selecting them and in verifying their accuracy.

(5) The precise point on which advice is sought should be clearly stated.

(6) For cases of urgency advice may be sought orally.

(7) If the officer receiving the advice disagrees with that advice he should initially raise the matter with the Government Counsel concerned. However, if the disagreement cannot be resolved, the officer may request a second opinion from the Law Officer (Civil Law) or one of his Deputies.

481. When proposals involving important policy decisions are to be submitted to Executive Council and legislation will be required to implement them, the Secretary for Justice should be consulted before:

(1) the Executive Council memorandum is drafted, so that the Department of Justice can advise what legislation may be required to give effect to the policies proposed; and

(2) the draft Executive Council memorandum is approved for issue, so that the Secretary for Justice may personally have an opportunity to comment on any legal advice and legislative proposals contained in the paper.

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482. (1) Government Departments frequently become involved in disputes with members of the public and their lawyers over legal matters that ultimately end in litigation. It is in the public interest that the Civil Litigation Unit of the Civil Division of the Department of Justice be consulted as soon as a Department becomes aware or considers that a legal dispute is likely.

(2) Departments must consult the Law Officer (Civil Law) whenever they receive correspondence or are contacted by solicitors acting for a person in dispute with the Department, or when they receive contentious correspondence which appears to be drafted by a solicitor or which contains matters of a legal nature.

(3) Departments should not engage in correspondence direct with solicitors over contentious matters without advice from the Law Officer (Civil Law). Under no circumstances should Departments, without advice from the Law Officer (Civil Law), enter into discussions with persons in dispute with them or their solicitors over the future conduct of any contemplated legal proceedings.

(4) This regulation does not apply to the Official Receiver's Office or to the Legal Aid Department.

483-484

Public Interest Immunity

485. (1) General Regulations 486-494 give important instructions regarding what action to take when an officer receives a subpoena to appear in court in his official capacity or in matters arising from his official duties. They should be regularly brought to the attention of all Heads, Deputy Heads, Assistant Heads, and Secretaries of Departments, and of all officers whom experience has shown to be likely to be affected, such as medical officers, labour officers, officers dealing with land matters, and all others whose duties bring them into direct contact with the public in subjects that may lead to litigation, whether in an executive, mediatory or advisory capacity.

(2) They do not apply to any subpoena which requires the production only of public registers or other public documents, e.g. documents which are open to inspection by the general public during office hours.

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486. From time to time Government servants are called upon to answer to subpoenas to give oral evidence and/or to produce official documents in Court. In certain cases public interest immunity may be claimed in respect of oral evidence or the production of documents in Court in order to protect the public interest.

487. Whenever a subpoena is received by a Government servant he must report the fact at once to his Head of Department who will, except where a direction has been issued under General Regulation 491, immediately write to the Law Officer (Civil Law) setting out the facts of the matter and enclosing :

- (a) the subpoena; and
- (b) the documents to be produced or copies thereof, or if this is not practicable, a summary of the contents.

488. (1) If the Law Officer (Civil Law) is of the opinion that immunity from production cannot be claimed he will notify the Head of Department directly, forwarding to the Chief Secretary for Administration a copy of his memorandum for his information only.

(2) If the Law Officer (Civil Law) is of the opinion that immunity from production can be claimed he will forward to the Chief Secretary for Administration the subpoena and any other documents received, together with :

- (a) his advice as to whether public interest immunity should in fact be claimed; and
- (b) a draft certificate from the Chief Secretary for Administration to the Head of the Department or draft affidavit of the Chief Secretary for Administration giving instructions that public interest immunity be claimed.

489. The Chief Secretary for Administration will decide whether or not public interest immunity is to be claimed:

(1) If he decides that it should not, he will return the subpoena and other documents to the Head of the Department, notifying him accordingly.

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(2) If he decides that public interest immunity should be claimed he will complete the certificate or affidavit in accordance with the draft forwarded by the Law Officer (Civil Law) and forward it together with the subpoena and other documents to the Head of the Department.

490. On attendance in Court the officer called upon to produce the documents must explain that he is instructed to claim public interest immunity in respect of all or any of the documents listed in the subpoena and produce to the Court the original certificate from, or affidavit of, the Chief Secretary for Administration in proof of this claim.

491. The provisions of GRs 487-490 do not apply where the direction of the Chief Secretary for Administration has been given to a Head of Department that a claim of public interest immunity is not appropriate in all cases of a particular type. Any Head of Department who considers that a sufficient number of subpoenas in respect of any particular class of document are received by his department to justify his obtaining such direction should make application therefor to the Chief Secretary for Administration, copying the application to the Law Officer (Civil Law) for comment.

492. An officer who has been served with a subpoena must appear in Court at the time stated. If there has not been time to obtain the direction of the Chief Secretary for Administration as to whether public interest immunity should be claimed, the officer should inform the Court that the directions of the Chief Secretary for Administration on this point are being sought, and request that the giving of his evidence be adjourned until he has received such directions.

493. If it comes to the notice of a public servant that official documents in the hands of private persons, in respect of which public interest immunity might be claimed, are likely to be produced in Court, he should bring the matter to the notice of the Chief Secretary for Administration and of the Law Officer (Civil Law) through his Head of Department, without delay, to enable appropriate steps to be taken.

494. Where the Government is a party to civil proceedings in the Court of First Instance, the District Court, the Small Claims Tribunal or any other tribunal or body having judicial functions and the Government is required to make discovery of documents, produce documents for

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inspection or is required to answer interrogatories, then the person conducting the case on behalf of the Government should comply as far as is possible and so far as the same are applicable with the provisions of GRs 487-490.

495-499

PREPARATION OF DRAFTING INSTRUCTIONS

The main principles of the legislative scheme to be embodied in a particular piece of legislation should be decided in advance by the sponsoring Policy Bureau, if appropriate in consultation with the Department concerned, and expressed in the Drafting Instructions given to the Law Draftsman. It is not the draftsman's job to work out basic principles as he goes along. Instructions should be complete, and show that every aspect of the proposals concerned has been thoroughly thought through and that all likely effects have been anticipated and approved by the Director of Bureau concerned. Inadequate or ill thought out instructions can lead to a number of unsatisfactory results, including legislation that has an effect that is different from what was intended, or involves a considerable waste of time on the part of all concerned.

2. Legislation is not drafted on oral instructions except in an emergency.

3. Unless approved by the Law Draftsman, instructions must not be in the form of draft legislation.

4. Where a new substantive Bill will need to be presented to the Legislative Council in one of the official languages only under the urgency procedure set out in section 4(3) of the Official Languages Ordinance (Cap. 5), this should be made clear at the outset.

5. (1) The memorandum forwarding the instructions to the Law Draftsman should state the name and telephone number of the officer with whom the draftsman can make arrangements for any necessary discussions, and list those to whom it is proposed the draft Bill will be circulated.

(2) Where the instructing officer is responsible for only one of the two texts of the legislation, the name and telephone number of the officer responsible for the text in the other official language should also be stated.

6. Drafting instructions should not be sent to the Law Draftsman unless they have the personal approval of the Head of the Department and Director of Bureau concerned.

7. Instructions, both for Bills and subsidiary legislation, should comprise two parts, a general statement and detailed instructions.

8. The general statement should be comprehensive and contain :

- (a) all relevant background material relating to the proposals to be included in the legislation, so that the draftsman can see them in perspective and context;
- (b) a statement of the circumstances giving rise to the proposals to be included in the legislation and the nature of the problem to be dealt with;
- (c) the principal objectives to be achieved by the legislation;
- (d) how it is proposed to achieve those objectives and how it is expected that the legislation will operate in practice;
- (e) any known practical or legal difficulties involved; and
- (f) an indication of any legal advice received from the Law Officer (Civil Law).

9. A copy or paraphrase of the Departmental or other submission to the Director of Bureau seeking approval in principle may not meet these requirements.

10. The length of the general statement will depend on the nature and extent of the legislative proposals dealt with, but should be comprehensive rather than brief.

11. (1) Detailed instructions should be provided in respect of all matters to be dealt with in the proposed legislation. Where appropriate these detailed instructions should in respect of each legislative proposal included in the legislation:

- (a) deal with every aspect of the proposal and indicate every requirement which the Department or Bureau considers necessary;
- (b) indicate any administrative provisions which are considered necessary, including the level at which the proposed statutory functions will be discharged and any need for provision to delegate such functions;

- (c) if it appears that other Hong Kong legislation or legislation of another jurisdiction satisfactorily deals with the subject of the proposal, provide a reference to that legislation and indicate whether inquiries have found it to operate satisfactorily;
- (d) if the proposal would result in some activity being prohibited or regulated, indicate the nature (and the intended level) of the sanction proposed, i.e. whether provision should be made for criminal offences, civil penalties, forfeiture, cancellation or suspension of licences or any other sanction. The Secretary for Justice will decide the actual level to be recommended to the legislative authority;
- (e) indicate the relative gravity of offences arising under the proposals, both in relation to one another and in relation to any other offences considered relevant;
- (f) in the case of instructions for amending legislation, indicate the provisions of the principal legislation which the Department or Bureau considers should be amended;
- (g) indicate any consequential amendments;
- (h) indicate any transitional or savings provisions required (e.g. phasing in of new measures, saving of former rights, licences, etc.);
- (i) indicate whether any provisions are to have retrospective operation;
- (j) if the Department or Bureau has any decided view on either the form or position of the legislative provision, furnish particulars;
- (k) give references to any known decided cases or copies of any legal opinions available to the Department or Bureau that may affect the proposal including any opinion from the Law Officer (Civil Law);
- (l) indicate any specific regulation-making powers required;

- (m) provide copies of reports of committees, etc., or, if the reports are readily available, references to reports that deal with the proposal;
- (n) give where practicable, Chinese equivalents for technical expressions intended to be used by the draftsman;
- (o) indicate the commencement of the proposed legislation, particularly if it is to be phased in;
- (p) indicate if the rights or property of persons will be affected, and if so what provision is to be made for compensation and appeals if any and generally for compliance with the human rights provisions of the Basic Law;
- (q) indicate whether the “State” (as defined in section 3 of the Interpretation and General Clauses Ordinance, Cap. 1) or particular organs of it are to be bound; and
- (r) indicate if it is envisaged that the procedure under s. 4(3) of the Official Languages Ordinance will be invoked.

(2) Legislative Drafting Instructions should normally be in ordinary narrative prose. However, in appropriate cases, e.g. where a series of paragraphs have a common feature, instructions may be sent in tabular form. An example might be -

“General heading

Particular matters
to be provided

Remarks, queries and
explanations”

Note : Drafting Instructions should not use the phrase “consideration needs to be given” to a topic. Consideration should have been given before the instructions are issued. The term “etc.” should not be used in drafting instructions.

12. It will generally be unnecessary for Departmental files or copies of Departmental correspondence to accompany properly prepared instructions, and as far as possible this should be avoided.

13. If the proposed legislation deals with a technical subject the instructions should include sufficient material on the subject to enable the draftsman to gain an adequate understanding of the technicalities and technical terms involved.

14. If all of the provisions are not to commence at the same time, the instructions should indicate clearly the different times at which it is proposed that different provisions should commence. In providing instructions in accordance with this paragraph, Departments and Bureaux should ensure that the provisions that are to commence earlier than others are not rendered ineffective because their operation depends on the commencement of the other provisions.

15. Proposals which need to be considered for possible contravention of the Basic Law including provisions concerning human rights should be referred by the Director of Bureau to the Solicitor General as early as possible, and in any event before instructions are given to the Law Draftsman. Examples are provisions for heavy or unusual penalties, changing the onus of proof, retrospective effect, wide discretionary powers, powers of entry, search and arrest and evidentiary provisions. Where a person or body is to be given power to make decisions affecting the rights or property of persons, consideration should be given to the question of whether there should be provision for compensation and a right of appeal and if so what body should award compensation or hear the appeal.

16. Other examples of legally contentious proposals are provisions with extraterritorial effect or which refer to international agreements. All such proposals should be referred to the Law Officer (Civil Law) for consideration of whether they are likely to be inconsistent with the Basic Law.

17. If the proposed legislation is to bind the "State" (as defined in section 3 of the Interpretation and General Clauses Ordinance, Cap. 1) or particular organs of it, the instructions should say so, since the "State" or particular organs of it are only bound if express provision is made to that effect or the application of the legislation to the "State" or particular organs of it arises by necessary implication. Bureaux and departments should inform the Constitutional Affairs Bureau, Security Bureau, Department of Justice and the Administration Wing of the Chief Secretary for Administration's Office of the binding effect of the proposed legislation.

18. Instructions should not be overloaded with proposals for legislative provisions that can be dealt with administratively. Purely informative provisions with no legal effect should be avoided.

19. After drafting instructions have been provided to the Law Draftsman, the instructing officer should be readily available and arrange promptly any conferences required by the draftsman.

20. Departmental and Bureau officers attending drafting conferences should have the detailed knowledge, ability and authority to make decisions on most of the questions that inevitably arise in drafting. If their decisions are to be reviewed by superior officers, drafting can be greatly delayed by the draftsman having to await confirmation of tentative decisions. An officer attending a conference on proposed amending legislation should have a detailed knowledge of the provisions and operation of the principal legislation to be amended.

21. Requests for the draftsman to include in a draft additional provisions which were not the subject of original instructions should be avoided if at all possible. If additional provisions are requested after the draftsman has devised the legislative scheme appropriate for his original instructions and has started drafting, work done by the draftsman can be rendered useless by instructions to include additional provisions that do not fit in with that legislative scheme. Most additional provisions can be made the subject of subsequent legislation. Additional provisions will not be included in draft legislation without the Director of Bureau's prior approval.

22. On completion, the first draft will be sent by the draftsman to the instructing officer, who will send copies to the sponsoring Department (if any) and all other parties concerned for consideration. In appropriate cases, at the request of the instructing officer, the draftsman may send copies direct to those concerned. Any alterations agreed by those concerned will be made by the draftsman, and if necessary, a further draft will be prepared for consideration. This process will be repeated until the draft is satisfactory to all concerned.

23. Prompt consideration should be given to drafts and the draftsman should be advised quickly of any alterations required. Draftsmen are usually working on several assignments at the same time so that, if queries raised by them are not considered promptly, the continuity of their consideration of the proposed legislation is interrupted and subsequently delay in picking up the threads is likely to occur.

24. A check list is annexed; it should be used in the preparation of drafting instructions except where clearly unnecessary.

PREPARATION OF DRAFTING INSTRUCTIONS

Check List

1. Preliminary steps

Refer all proposals to the Solicitor General for advice on legal policy matters, e.g. human rights issues and Basic Law issues.

2. General explanatory statement

This should be comprehensive and set out:

- (a) background material and known legal implications;
- (b) the reasons for the proposals;
- (c) the principal objectives;
- (d) how these objectives are to be achieved;
- (e) how the proposed legislation is expected to operate; and
- (f) any known practical difficulties.

3. Detailed Instructions

These should set out all matters to be dealt with in the proposed legislation including:

- (a) every requirement considered necessary to effect the proposals;
- (b) administrative provisions required, the level at which statutory functions will be discharged and any provision for delegation;
- (c) reference to any useful legislative precedents;
- (d) the nature of penalties or sanctions desired;
- (e) the relative gravity of proposed offences;
- (f) existing provisions that require amendment including consequential amendments;
- (g) transitional and saving provisions required;
- (h) retrospective provisions required;
- (i) all regulation-making powers required;
- (j) any preference for a particular form of legislation;
- (k) references to or copies of relevant committee reports, etc.;
- (l) references to or copies of legal decisions or opinions, etc.;

- (m) commencement of the proposed legislation, particularly if it is to be phased in;
 - (n) if persons or property will be affected, what compensation and appeals if any are proposed;
 - (o) whether the “State” (as defined in section 3 of the Interpretation and General Clauses Ordinance, Cap. 1) or particular organs of it are to be bound;
 - (p) if it is envisaged that the procedure under section 4(3) of the Official Languages Ordinance will be invoked, a statement to that effect; and
 - (q) any assistance which can be given as to the appropriate technical terms in Chinese.
4. The detailed instructions should :
- (a) be in memorandum or tabular form;
 - (b) be in simple non-technical language;
 - (c) not seek legislative provision for matters that can be dealt with administratively; and
 - (d) not seek inclusion of purely informative provisions which are not to have any legal effect.
5. **Approval**
- The drafting instructions (i.e. both general statement and detailed instructions) must be approved personally by :
- (a) the Head(s) of Department concerned; and
 - (b) the Director of Bureau.
6. The Law Draftsman should be furnished with :
- (a) the name and telephone number of the instructing officer and, where the instructing officer is responsible for only one of the two texts, the name and telephone number of the officer responsible for the text in the other official language; and
 - (b) a list of the Departments and other addressees to whom the draft legislation will be circulated in due course.

CHAPTER VI DEPARTMENTAL RELATIONS AND RESPONSIBILITIES

Delegation of Authority by the Chief Executive

500. The powers and duties of the Chief Executive may be divided into the following categories –

- (a) judicial and quasi-judicial;
- (b) legislative; and
- (c) administrative.

Generally speaking, powers and duties of the first two categories must be exercised or performed personally and may not be delegated. Non-statutory administrative powers may be delegated without formality. Statutory administrative powers may be delegated only where there is statutory provision for such delegation, as explained below.

501. (1) The Chief Executive's powers to appoint and promote public servants by virtue of Article 48(7) of the Basic Law, subject to Article 48(5) of the same, may be delegated by the Chief Executive to any public servant or any other public officer, in accordance with section 19 of the Public Service (Administration) Order.

(2) The Chief Executive's powers of making and executing grants, dispositions and leasing of land on behalf of the Government of the Hong Kong Special Administrative Region, conferred by Article 7 of the Basic Law and section 32 of the Hong Kong Reunification Ordinance (Instrument A601), can also be exercised on behalf of the Chief Executive by any person authorised, whether by name or by reference to an office.

(3) Certain Ordinances specifically contain provision for delegation (e.g. section 7 of the Police Force Ordinance (Cap. 232)), whilst others achieve the same by defining a public officer to include also certain of his/her subordinates, (e.g. the definition of 'Director' in section 2(1) of the Immigration Ordinance (Cap. 115)). However, even if, as in the majority of cases, Ordinances do not contain such provisions, delegation will normally still be possible by virtue of the following provision of the Interpretation and General Clauses Ordinance (Cap. 1) –

- (a) section 63 which provides for delegation by the Chief Executive of his statutory powers or duties to any person by name or office; and

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- (b) section 43 which enables any public officer, specified generally or for the purpose of any particular Ordinance by the Chief Executive in Council by notice in the Gazette, to delegate to any other public officer the powers and duties conferred upon a public officer so specified.

502. With regard to sections 63 and 43 of the Interpretation and General Clauses Ordinance (Cap. 1), it should be noted that they do not provide authority for delegation in cases where the text of the Ordinance conferring the power clearly indicates that delegation is not intended. If there is any doubt as to whether delegation is permissible, and in cases where it is sought to delegate powers and duties conferred by the Basic Law and national laws which apply to Hong Kong, legal advice should be sought.

503. (1) Consolidated information of the following is maintained on the Central Cyber Government Office –

- (a) statutory powers and duties delegated by the Chief Executive under section 63 of the Interpretation and General Clauses Ordinance (Cap. 1); and
- (b) public officers specified by the Chief Executive in Council to have the power to delegate statutory powers and duties under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1).

(2) Bureaux and departments are responsible for keeping the original instrument of delegation. They should ensure the information as maintained on the Central Cyber Government Office is comprehensive, accurate and up-to-date by making timely amendments as and when changes occur that fall under their respective purview.

- (3) (a) As a matter of practice, formal instruments are prepared by the Department of Justice upon requests from the policy bureaux and notification is given in the Gazette of all public officers specified by the Chief Executive in Council under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1).
- (b) No formal instrument nor notification in the Gazette is required of delegation by the Chief Executive to officers under section 63 of the Interpretation and General Clauses Ordinance (Cap. 1). These delegations should however be recorded by initial on the file by the Chief Executive.

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504. It should be noted that delegation does not derogate from the power of the Chief Executive or of the officer delegating to exercise the power himself/herself, and delegation may be qualified or limited to certain types of cases only. In general, officers should exercise delegated powers in straightforward cases only, and refer difficult cases to higher authority. Officers may not of course exercise power not delegated to them.

505

Titles of Government Bureaux/Departments and their Heads

506. The titles of Government bureaux and departments (including agencies) and of their heads should broadly speaking reflect their duties and responsibilities. The post titles of certain heads of bureaux and departments are also the statutory authority specified in the relevant legislation. It is therefore undesirable to change these titles unless absolutely necessary. Authority to approve changes rests with the Chief Secretary for Administration. All proposals for changes, which must have the support of the relevant Director of Bureau, should be addressed to the Director of Administration, Chief Secretary for Administration's Office, in the first instance. Consultation with the Secretary for the Civil Service, where necessary, will be undertaken by the Director of Administration. Thereafter, the Director of Administration will seek the Chief Secretary for Administration's decision and, if approval is obtained, arrange for a gazette notification in accordance with section 55 of the Interpretation and General Clauses Ordinance (Cap. 1), which may be given retrospective effect. The Director of Bureau concerned will be responsible for any contemporaneous or consequential amendments of legislation and changes in delegated powers affected by the change of title. The Director of Administration will also determine the abbreviated form for the title to be adopted for internal communication to avoid confusion and to minimise delay in the despatch of internal documents.

507. Proposals concerning the naming of a new bureau or department and its head should be dealt with as outlined in GR 506.

508-528

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Chinese Language Policy and Translation Arrangements

529. Inward and outward letters should be handled in the following manner :

- (a) All incoming letters written in Chinese should be answered in Chinese. If the subject officer preparing the reply, in particular one with important implications, has doubt about the usage or meaning of certain words or terms, arrangement should be made for the reply to be checked by an Official Languages Officer before issue.
- (b) It is not necessary for an incoming letter in Chinese to be translated into English as a matter of course. Where the subject officer concerned does not read Chinese, an English precis of the salient points of the letter should be prepared. However, if the subject officer believes that a full translation of the letter is necessary because of the complexity or importance of the subject, he/she should make arrangement for the letter to be translated by an Official Languages Officer. (If there is no Official Languages Officer in the bureau/department, the subject officer can request the Official Languages Division, Civil Service Bureau to provide a full translation.)

530. Translation and interpretation work pertaining to the activities of a bureau/department shall normally be undertaken by its own Official Languages Officers. Translation and interpretation services for policy bureaux with no Official Languages Officers on their establishment are provided by the Official Languages Division, Civil Service Bureau. Departments with no Official Languages Officers may request the Official Languages Division, Civil Service Bureau to provide such services.

531. Since translation is a process involving translating, vetting, typing and proof-reading, sufficient lead time must be given for any translation assignment. Bureaux/Departments should consult the Official Languages Division, Civil Service Bureau in advance on whether the translation assignments can be completed within the proposed time span.

532. Because of their special nature, the following are handled by the Official Languages Division, Civil Service Bureau –

- (a) the translation of public officers’

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- (i) speeches, including the Chief Executive's Annual Policy Address and the Financial Secretary's Budget Speeches, and
- (ii) replies, oral or written, to questions raised by Members at Legislative Council sittings;
- (b) the editing of the Chinese version of the Hong Kong Yearbook; and
- (c) the vetting of important/technical documents for bureaux/departments which do not have Official Languages Officers at the rank of Senior Official Languages Officer or above on their establishment.

533. Bureaux/Departments are responsible for the translation into Chinese of their press releases. Information Officers in bureaux/departments will assist with the translation.

534

Translation in Languages other than Chinese

535. (1) The General Section of the Administration Wing, Chief Secretary for Administration's Office arranges for the translation of documents, both general and technical, to and from languages other than Chinese. An up-to-date list of translators is kept in the Section and bureaux/departments requiring such translation service should contact the Section for names of these translators.

(2) Fees for the translation work will be at rates prescribed by the Director of Administration.

536-539

Naming of Government Projects by Offering Parties of Financial Contributions

540. (1) An offering party to a Government building project may wish, in return for the contribution offered, to have the honour of naming the project. This privilege should normally only be granted if the financial contribution is

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not less than 50% of the total building costs for all stages of the project, including furniture and equipment.

(2) Financial contributions should as a general rule be accepted only for projects in Category A of the Public Works Programme.

(3) An up-to-date estimate of costs must be obtained before a financial contribution is accepted. Once it has been accepted, the offering party should not be required to increase the contribution if costs prove to be higher than expected. Full payment of a financial contribution should be made six months before the estimated completion date of the project.

(4) Proposals for the naming of a project by an offering party contributing less than 50% of the costs will only be considered in exceptional circumstances and should be submitted to the Policy Committee for decision.

541

542. GR 540 applies only to Government projects. In the case of subsidised school or other institutions, the sponsoring body or voluntary agency concerned has the right to select a name for the project.

543-569

Letters in Correspondence Columns of Local Newspapers

570. (1) It is Government policy that letters sent to editors of newspapers which relate to Government matters should be answered where appropriate.

(2) The decision whether to reply will rest finally with the bureau/department most directly concerned.

(3) Though occasionally there can be disadvantages in replying to letters from members of the public, these are nearly always outweighed by the demonstration of the Government's preparedness to heed public opinion.

(4) Guidelines on the procedures and form that replies should take are given in the relevant General Circular.

571-574

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Advertising and Press Notifications

575. No advertising matter or press notice may be sent to any newspaper except by the Director of Information Services. Advertisements inviting applications for appointment to the public service should be published in accordance with the format and procedures as may be promulgated by the Secretary for the Civil Service. Drafts of advertisements or notices which are not of a routine nature should in the first instance be submitted to the relevant Director of Bureau for approval.

576-589

Reports and Papers

590. (1) Except for the Annual Accounts of the Government compiled by the Director of Accounting Services and the Director of Audit's Report on the results of value for money audits, reports and other papers should not be formally tabled in the Legislative Council unless there is a clear statutory requirement or some other good reasons for doing so. Where tabling is preferred not because of a statutory requirement, the subject officer in the policy bureau concerned should refer the paper to his/her Director of Bureau for a decision. Departmental reports and the Hong Kong Yearbook will not be tabled in the Legislative Council although copies should be sent to all Members of the Legislative Council prior to publication.

(2) A paper may be presented to the Legislative Council by a designated public officer. A designated public officer presenting the paper may, with the permission of the President of the Legislative Council, address the Council. Whenever a designated public officer wishes to present a paper, he/she should send the paper to the Clerk to the Legislative Council and advise the Clerk the date of the Council meeting on which the paper is to be presented, and whether he/she wishes to address the Council thereon.

591. Copies of reports and papers which are to be tabled may be released to the press, radio and television accompanied by suitable publicity, immediately after copies are distributed to Legislative Council Members. Directors of Bureaux and Heads of Departments are requested to consult the Director of Information Services about the date of release and publicity aspects of reports and papers which are to be formally tabled.

592-594

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Departmental Letterheads, Logos, Symbols and Trademarks

595. (1) Heads of Departments should consult the Director of Information Services on the design of all logos, symbols or badges which are intended to appear on stationery, or in other contexts to identify the department.

(2) Designs should be simple, unique and preferably in one colour.

(3) It is not necessary to register logos as a trademark, but it is necessary to avoid resemblance to commercial logos. Heads of Departments may consult the Director of Intellectual Property if in any doubt.

(4) All designs, whether for letterheads or other purposes, must be approved by the Director of Administration before introduction.

Printed Name Cards

Guidelines

596. (1) Name cards should be used primarily for officers dealing with members of the public and non-government organisations in the course of their duties. These cards should convey essential information only, such as name, post, office address, e-mail address, telephone and fax numbers. Elaborate design and printing style are not necessary and should be avoided.

(2) Permanent Secretaries/Heads of Departments have the discretion to decide whether printed name cards at a standard higher than those set out in GR 598 should be provided after giving due consideration to the guidelines set out in GR 596(1) and the need to ensure cost-effectiveness.

Eligibility

597. The following officers are eligible for the provision of printed name cards at Government expense –

- (a) officers of D1 rank and above, or equivalent, but the entitlement does not apply to officers on short-term acting appointments at this level;

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- (b) senior professionals (MPS 45-49/GDS(O) 37-39) or equivalent and professionals (on a salary scale leading up to MPS 44/GDS(O) 36) or equivalent, provided that the need for such cards has departmental support; and
- (c) officers other than those mentioned in (a) and (b) above when there is a strict need or in exceptional circumstances, provided that the need or the exceptional circumstances have departmental support.

Features

598. The general features of printed name cards for various groups of officers are set out below –

<u>Printing Allowed</u>	<u>D4 and above</u>	<u>D1 to D3</u>	Senior Professionals, Professionals and Any <u>Others</u>
Black printing on one side or both sides	Yes	Yes	Yes
Black printing plus one-colour logo on one side	Yes	Yes	No
Black printing plus one-colour logo on both sides	Yes	No	No
Raised printing	Yes	No	No

599

Printing

600. The Director of Government Logistics is the sole authority within the Government for all matters relating to printing and ancillary processes. He/She is charged with the production of all printing and converted paper stationery required by the Government. He/she should be

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consulted on all matters in any way related to printing, including the use and purchase of printing plant, machinery, equipment and accessories for any purpose.

601. (1) Except as provided for in GR 601(2), bureaux/departments must channel all printing work through the Director of Government Logistics, who has the sole discretion as to what work should be produced by in-plant facilities and what work should be produced by the use of outside contractors.

(2) Bureaux/Departments may procure printing items of a non-classified nature directly from outside contractors in accordance with the Direct Printing Authority as stipulated in the relevant Circular(s) issued by the Director of Government Logistics. As for printing work outside the scope of the Direct Printing Authority, bureaux/departments must obtain prior approval from the Director of Government Logistics before procurement from outside contractors.

602. (1) Material sent by a bureau/department for printing in English or Chinese must be edited and in its final form on submission. It should be prepared by means of a personal computer or word processor whenever possible, stored on disk and submitted together with a hard copy. The type of software used should also be indicated. If a disk is not available, then the copy should be typewritten. Clear Chinese manuscript prepared legibly is also acceptable.

(2) New forms designed for printing should be accompanied by a specimen (in the exact dimensions) and a completed Printing Instructions Sheet (G.F. 89). The Printing Instructions Sheet is available for downloading from the Central Cyber Government Office.

603. All copies for printing should be accompanied by correct documentation, including the consent from owners on copyrights for non-originated articles, to enable all production planning to commence immediately. This will avoid delays arising from insufficient information.

604. Proofs should be checked against the original copy by the originating office (in the case of translated material preferably by the original translator) and returned without delay. It is not permissible to use the proof as a typeset draft for alterations of text. The Director of Government Logistics may, at his/her discretion, refuse to accept alterations produced in this way.

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605. (1) Orders for receipt books (G.F.3A) or requests for amendment of General Forms for accounting use should be endorsed by the Director of Accounting Services under the terms of Standing Accounting Instructions 215, 860 and 870.

(2) Requests for printing of other departmental accounting and controlled forms should be made on Printing Order (G.F.3) or through the eOrdering System in the Central Cyber Government Office and sent directly to the Government Logistics Department. The bureau/department concerned should ensure that proper controls exist for the printing and issue of serially-numbered forms.

606

607. (1) All printed statutory forms should conform with those prescribed by legislation but amendments which do not conflict with the provisions of section 37 of the Interpretation and General Clauses Ordinance (Cap. 1) are permitted provided that they have been authorised by the Department of Justice. Whenever a bureau/department sends a print or reprint order to the Government Logistics Department, an undertaking on G.F. 346 should accompany the order certifying that the form is either a copy of that authorised by legislation or has been approved by the Department of Justice.

(2) The above regulation does not apply to –

- (a) Official Receiver's Office;
- (b) Legal Advisory and Conveyancing Office of the Lands Department;
- (c) Companies Registry;
- (d) Land Registry;
- (e) Intellectual Property Department;
- (f) Hong Kong Monetary Authority;
- (g) Judiciary; and
- (h) Legal Aid Department

which may submit to the Government Logistics Department forms different from those prescribed by legislation, provided that they are accompanied by a certificate from a professional legal officer in the department/organisation concerned that the forms as amended do not conflict with the provisions of section 37 of Cap. 1.

(3) The G.F. numbers of statutory forms should be suffixed 'S'.

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608. Reprinting documents (such as departmental forms) of a repetitive nature should normally be given a lead time of two months from placement of order to delivery date. Work requiring earlier delivery should be discussed with the Government Logistics Department in the first instance. The Government Logistics Department should also be consulted in advance of a requirement where the date of delivery is critical or before a date is set for release of a publication to the public.

609. The Government Logistics Department has a traditional 'House Style' for Government publications and statistical tabular work which will be applied to all incoming text for publications. Departures from this style must be agreed with the Government Logistics Department in the first instance.

610. The Postmaster General should be consulted whenever forms are to be designed that require the medium of postal transmission. This will ensure the proper selection of appropriate sizes and designs and approved methods of folding and sealing.

611-614

Statistics

615. The Commissioner for Census and Statistics is the Government's adviser on matters connected with the content, compilation and analysis of statistics, in addition to his/her departmental responsibility for statistics of social and economic activities.

616. The Census and Statistics Department assists other bureaux/departments in the design and organisation of surveys of any kind where necessary and advises on the application of statistical concepts and standards, the use of common classifications and definitions, and methods of processing and presentation.

617-618

619. (1) Permanent Secretaries/Heads of Departments are required to render monthly returns to the Commissioner for Census and Statistics of all items purchased abroad when they are imported into Hong Kong.

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(2) The Director of Government Logistics will render monthly returns covering unallocated stores, while other Permanent Secretaries/Heads of Departments will render returns in respect of allocated stores only, i.e. stores ordered and imported into Hong Kong solely for the use of the bureau/department concerned.

(3) These returns must be forwarded to reach the Census and Statistics Department not later than the 14th of each month and should cover the preceding month.

(4) The returns should be classified in accordance with the current Hong Kong Imports and Exports Classification Lists which can be referred to on the website of the Census and Statistics Department.

620-624

Telecommunications/Electronics Services and Equipment

625. Upon request by client bureaux/departments, the Electrical and Mechanical Services Trading Fund will take up the responsibilities for system design, procurement, installation, commissioning and maintenance of telecommunications and electronics facilities, including Private Automatic Branch Exchange Systems, for the bureaux/departments concerned. However, bureaux/departments may also seek technical assistance from other consultants if they so wish. The Office of the Communications Authority is responsible for providing advice to bureaux/departments on telecommunications development policy and legislation. The Office of the Government Chief Information Officer is responsible for co-ordinating computerisation in the Government, providing advice to bureaux/departments on all matters relating to the use of information technology and implementing the Government's established policy that full advantage shall be taken of modern information technology. The policy, procedures and funding arrangements in respect of Government computerisation are set out in the relevant Financial Circulars, Financial Services and the Treasury Bureau Circular Memoranda and Office of the Government Chief Information Officer Circulars to which reference should be made.

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626. Any bureau/department requiring a new telecommunications/electronics service or equipment including replacement or extension of an existing service or equipment may approach the Electrical and Mechanical Services Trading Fund for advice. In connection with the Office of the Communications Authority, the Electrical and Mechanical Services Trading Fund will advise the bureau/department concerned how the requirement can best be met and provide it with estimates of capital and recurrent costs involved. The procedures for the acquisition and use of telecommunications services/equipment and miscellaneous electronics equipment are detailed in GRs 630-649 and GRs 660-663 respectively.

627

628. When the bureau/department has obtained funding approval for a new telecommunications/electronics service or equipment, including replacement or extension of an existing service or equipment, the Electrical and Mechanical Services Trading Fund will proceed with design and implementation if approached by the bureau/department concerned.

629. (1) GRs 626 and 628 do not apply to authorised bureaux/departments with suitably qualified professional telecommunications or electronics engineers on their establishment. These bureaux/departments must, however, inform the Electrical and Mechanical Services Trading Fund of all proposed telecommunications or electronics projects as appropriate for it to consider whether more efficient or economical use could result from co-ordination with other services.

(2) To maintain effective spectrum management control in order to prevent harmful radio interference and to ensure that Government telecommunications systems use compatible interconnection standards, advice from the Director-General of Communications must be sought if the equipment concerned is :

- (a) a radiocommunications apparatus using radio frequencies; or
- (b) an apparatus that may generate radio frequency emission exceeding the level permitted under the Telecommunications (Control of Interference) Regulations (Cap. 106B); or
- (c) an apparatus that will be directly interconnected with equipment in other Government telecommunications networks or systems.

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Telecommunications Services and Equipment

Office telephone

630. Permanent Secretaries/Heads of Departments, or officers authorised by them may approve all provisions and removals of office telephone equipment and subsidiary apparatus, including Private Automatic Branch Exchange Systems and cordless telephones with a base unit and cordless handset(s), before an order is placed with the company providing the facility. All correspondence in this connection should be made from the designated officers in the bureau/department concerned. For the procurement of telephone systems for works projects funded under the Capital Works Reserve Fund, please refer to the relevant Financial Circular. GR 636 should be observed if the bureau/department concerned is not the user registered with the company providing the telephone service that it requires.

Public radio-paging, mobile radio telephone services and facsimile equipment

631. Permanent Secretaries/Heads of Departments, or officers authorised by them may approve all provisions and removals of public radio-paging service, public mobile radio telephone service and facsimile equipment before an order is placed with the company providing the service or equipment under the relevant term contract of the Government Logistics Department. All correspondence in this connection should be made from the designated officers in the bureau/department concerned. If there is no term contract for any particular equipment or installations, the bureau/department concerned may consult the Electrical and Mechanical Services Trading Fund or other consultants for advice.

Official residential telecommunications services

632. Permanent Secretaries/Heads of Departments/Directors or Heads of offices outside Hong Kong as set out in GR 675(1), or if so authorised by them, Deputy or Assistant Heads of bureaux/departments/offices may approve all requirements for official residential telecommunications services subject to compliance with other relevant General Regulations, Stores and Procurement Regulations and General Circulars. The criteria for the provision of official residential telephone and facsimile facilities are set out in the relevant General Circular.

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Overseas call facilities

633. Permanent Secretaries/Heads of Departments/Directors or Heads of offices outside Hong Kong as set out in GR 675(1), or if so authorised by them, Deputy or Assistant Heads of bureaux/departments/offices may approve all provisions and removals of overseas call facilities for office telephones, facsimiles, mobile radio telephones and other telecommunications equipment.

Other facilities

634. Permanent Secretaries/Heads of Departments, or officers authorised by them, may seek advice from the Electrical and Mechanical Services Trading Fund or other consultants for the provision or removal of telecommunications services or equipment not covered by GRs 630-633. In case advice from the Electrical and Mechanical Services Trading Fund is sought, full details of existing and estimated future requirements should be provided with office plans where appropriate. The Electrical and Mechanical Services Trading Fund will then recommend the facilities to be provided after consultation with the Office of the Communications Authority as appropriate and will arrange for the necessary planning and the subsequent installation to be undertaken. For services or equipment involving apparatus of any category listed in GR 629(2)(a), (b) and (c), advice from the Office of the Communications Authority must be sought beforehand.

Departmental Responsibilities

635. It is the responsibility of Permanent Secretaries/Heads of Departments to obtain the requisite funds and to arrange for any ancillary works and services as may be necessary for any requirement under GRs 630-634.

636. (1) Where a bureau/department requires telephone services from an installation for which it is not the user registered with the company providing the service, that bureau/department must submit an application for provision, removal or cessation of service to the registered user bureau/department for processing.

(2) The bureau/department requiring the service is responsible for any initial charges and for the rental/recurrent costs for the remainder of the financial year in which the additional facilities are provided. Thereafter the registered user bureau/department will be responsible for the rental/recurrent costs.

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637-639

640. Bureaux/Departments are responsible for the proper handling and custody of all telecommunications equipment and wiring under their responsibilities in accordance with the relevant Stores and Procurement Regulations and should ensure that only authorised maintenance personnel are permitted to tamper with or make any attachments or alternations to the equipment.

641-642

643. (1) A complete record of all overseas calls originated, or collect calls received, both for official and private purposes, must be maintained.

(2) Accounts for overseas calls may be certified by Permanent Secretaries/Heads of Departments or other officers if so authorised by them.

(3) It is the responsibility of bureaux/departments to collect from the officers concerned any charges for private calls.

644. Unless with the prior approval of the Director-General of Communications, bureaux/departments should not offer to the public any telecommunications service which will normally require licensing under the Telecommunications Ordinance (Cap. 106).

Officers' Responsibilities

645. The officer to whom a telephone or other telecommunications equipment is allocated –

- (a) shall be held responsible for any chargeable calls made from that equipment, and for any calls accepted on the equipment under a reverse-charge arrangement, and shall refund to the Government the cost of any such calls which were made for private purpose;
- (b) shall reimburse the Government the cost of using an official mobile phone for private purpose if the monthly air-time/data used exceeds the limit specified in the service package subscribed and the Government is required to pay for extra service charges. The details of the charging principles and arrangements are set out in the relevant Circular Memoranda issued by the Director of Administration;

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- (c) shall not himself/herself, or allow any other person to tamper with, move, repair, disconnect or make any attachments, additions or alternations to any equipment or wiring under his/her control without the prior consent of the provider of the facilities; and
- (d) shall be responsible for the proper use and safe-keeping of that equipment and may be liable for any charges arising from mis-use, damage or loss of the installation.

646. Officers should not, except to report faults in service, correspond direct with the company providing the facilities on any matters concerning telephone or other telecommunications installations charged to the Government's account. Where an officer reports such faults, he/she should ensure that they are directed to the appropriate maintenance contractors and that no subsequent charge will be made against the Government.

647-648

649. Any officer who causes any work to be done in connection with telephone or other telecommunications installations without prior approval of the Departmental Secretary of the bureau/department concerned or who, through failure to comply with these General Regulations, causes charges or rental to be paid unnecessarily, will be liable to refund to the Government all charges incurred, or such proportion of them as may be determined by the Permanent Secretary/Head of Department concerned.

650-659

Miscellaneous Electronics Equipment

660. Permanent Secretaries/Heads of Departments, or officers authorised by them may approve all requirements for new purchases of certain miscellaneous electronics equipment and any replacement or extension of existing systems, subject to compliance with other relevant General Regulations and Stores and Procurement Regulations.

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661. Bureaux/Departments are responsible for obtaining the requisite funds and handling all subsequent procedures from the procurement stage through to the final acceptance of the equipment, including any associated installation works and maintenance services which may be necessary for the equipment.

662. Where it appears that no local private sector maintenance service is available for a new equipment, the bureau/department concerned may consult the Electrical and Mechanical Services Trading Fund on the arrangement for maintenance support prior to the placement of purchase order.

663. Bureaux/Departments are responsible for the proper handling and custody of these items of equipment in accordance with the relevant Stores and Procurement Regulations and should ensure that only authorised maintenance personnel of the contracted service organisation, or of services arranged by the Electrical and Mechanical Services Trading Fund, are permitted to carry out service work or disassemble any part of the equipment.

664-669

Communication with the Hong Kong Garrison

670. In accordance with the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (the Garrison Law), the Government shall consult the Hong Kong Garrison when formulating any policy or drafting any legislation which concerns the Garrison, and the Garrison and the Government shall establish necessary liaison to deal with matters concerning the Garrison through consultation.

671. The Security Bureau is the usual liaison point between the Government and the Garrison, and should be consulted on Garrison-related matters involving policies and principles, and matters which may be of public and media interest. Subject to the Security Bureau's advice, bureaux/departments may communicate and handle matters directly with the appropriate division or department of the Garrison. They should seek the assistance of the Security Bureau for establishing such direct lines of communications if necessary.

672. Bureaux/Departments should copy their correspondence with the Garrison to the Security Bureau unless otherwise advised by the Security Bureau.

673-674

Communication with the Beijing Office, the Hong Kong Economic and Trade Offices and the Hong Kong Economic, Trade and Cultural Office

675. (1) The Government of the Hong Kong Special Administrative Region maintains a number of offices outside Hong Kong, including the Office of the Government of the Hong Kong Special Administrative Region in Beijing (Beijing Office) and the Hong Kong Economic and Trade Offices in Berlin, Brussels, Geneva, London, New York, San Francisco, Washington DC, Toronto, Jakarta, Singapore, Sydney, Tokyo, Chengdu, Guangdong, Shanghai and Wuhan. In addition, the Hong Kong Economic, Trade and Cultural Office is established as a non-governmental entity in Taiwan. The countries/regions/areas/organisations covered by these offices are set out in the Appendix to this Chapter.

(2) With the exception of the Geneva Office which represents “Hong Kong, China” in the World Trade Organization, these offices promote Hong Kong’s economic and trade relations, provide information on Hong Kong to third parties and promote Hong Kong’s image with public relations and promotional activities. As such, they need to be kept informed of all significant decisions, policy changes and important developments generally in Hong Kong.

(3) The Constitutional and Mainland Affairs Bureau is responsible for policy and housekeeping matters in relation to the offices in the Mainland and Taiwan, while the Commerce and Economic Development Bureau is responsible for overseas offices. The Information Services Department is generally responsible for ensuring that all offices are provided with the latest daily news and information about developments in Hong Kong. The primary responsibility for informing these offices about specific matters of interest rests with the respective Permanent Secretary/Head of Department.

(4) All of these offices should be provided with all papers tabled in the Legislative Council including all White and Green Papers, as well as relevant official press releases and Government publications.

(5) Policy bureaux should keep the Directors/Heads of these offices informed of the necessary background information by way of situation reports, special briefs, video conferences, etc. relating to significant changes in policy or other important developments in Hong Kong that are likely to be of interest in the areas served by these offices.

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(6) In providing such information, due regard should be given to enabling the Directors/Heads of these offices to be informed and alerted in good time so that they can promptly handle enquiries fielded by contacts, interlocutors and the media in jurisdictions under their purview.

(7) These offices are requested from time to time to provide information on the policies and practices of certain issues in their host countries/regions. They shall try their best to obtain the necessary information and contacts, and forward them to Hong Kong. Where bureaux/departments already have the contacts, such requests for information need not be routed through these offices. However, bureaux/departments should copy the correspondence to these offices or alert them about the subject matter so that they can help keep bureaux/departments informed of future developments in specific areas if required. For contacts with the Taiwan authorities, bureaux/departments should also comply with the arrangements and guidelines set out in the relevant Circular(s) promulgated by the Constitutional and Mainland Affairs Bureau.

676. The following arrangement applies to visits outside Hong Kong other than those to Taiwan. For visits to Taiwan, please refer to GR 677.

(1) Programmes for visits outside Hong Kong by the Chief Executive, the Chief Secretary for Administration and the Financial Secretary will be handled by their respective offices directly with the relevant offices outside Hong Kong, and assisted as necessary by the Information Services Department. The Information Services Department is also responsible for co-ordinating travel plans of Directors of Bureaux, and for helping to arrange speaking engagements on general promotion of Hong Kong during outgoing visits by Heads of Departments as far as possible. Visits relating to Government-to-Government business or official business on a particular subject will be handled by respective bureaux/departments directly which should also ensure that the relevant offices outside Hong Kong are kept informed of such visits.

(2) The Directors/Heads of the offices outside Hong Kong should be informed of all visits conducted by the Principal Officials, their deputies, and/or senior directorate officers (collectively referred to as “Senior Officials” below) engaged in Government-to-Government contacts involving any country/region/area for which the offices are responsible for. Where direct Government-to-Government contact is not involved, the visiting Senior Officials are encouraged to call on these offices whenever travelling on duty visits to obtain a better understanding of the roles, work and functions of these offices and to provide the offices with updates about Hong Kong with regard to the subject matters under the purview of the visiting

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Senior Officials. The concerned offices should endeavour to assist the visiting Senior Officials as far as practicably possible and as resources allow.

(3) For official visits requiring local assistance from an office outside Hong Kong, advance notice (preferably, at least eight weeks before a visit) should be provided, along with the following information –

- (a) name(s) and rank(s) of the member(s) of the delegation;
- (b) name(s) and title(s) of other non-government member(s) of the delegation, if any;
- (c) full itinerary including dates of arrival and departure in individual city/cities;
- (d) the purpose of the visit and any visit programme already arranged;
- (e) whether the Senior Official and other delegates (if applicable) wish accommodation, ground transportation and interpretation to be arranged and, if so, the detailed requirements;
- (f) whether the Senior Official and other delegates (if applicable) require any facility, e.g. access to Internet, fax, a temporary office or administrative support;
- (g) whether the Senior Official wishes arrangements to be made for him/her to consult any organisation or Government agency in the country/city to be visited, with brief details of the matter concerned; and
- (h) flight number or train schedule and schedule for other legs of the trip, if known.

Information at (a) – (g) can be provided in the first instance and should not be delayed until (h), which can be provided later, is finalised. Any changes to the above details should be provided to the office concerned as soon as possible. When approached for local assistance, the office concerned will provide timely feedback to the requesting bureau/department on the extent of support available, taking into account other competing priorities. For official visits which do not require local assistance, advance notification (preferably two weeks) should be sent to the concerned office providing details of the visits (e.g. visit programme, delegation list, etc.) as far as practicable.

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677. For visits to Taiwan and any proposed contacts with the Taiwan authorities, bureaux/departments should comply with the arrangements and guidelines set out in the relevant Circular(s) promulgated by the Constitutional and Mainland Affairs Bureau. Any request for assistance to the Hong Kong Economic, Trade and Cultural Office in connection with such visits and contacts should be routed through the Constitutional and Mainland Affairs Bureau.

678. To save time and resources, bureaux/departments are advised to communicate with the offices outside Hong Kong via e-mail or facsimile transmission as far as possible. Assistance may also be sought from the Constitutional and Mainland Affairs Bureau for communication matters with offices in the Mainland and Taiwan; or the Commerce, Industry and Tourism Branch, Commerce and Economic Development Bureau for overseas offices.

679-689

Fire Precautions

690. The Fire Services Department is responsible for formulating and advising on fire precautionary requirements to be taken in Government buildings. User bureaux/departments or their appointed agents are responsible for the installation, testing and maintenance of all portable fire-fighting equipment provided in the buildings. The Architectural Services Department is responsible for new fixed fire service installations while user bureaux/departments or their appointed agents are responsible for the routine testing and maintenance of all fixed fire service installations.

691. Government fire equipment is not supplied to private buildings wherein Government quarters or garages are situated. The responsibility for fire precautions in such buildings rests with the occupants.

692. Damage to, or the accidental operation of, any fire extinguisher should be immediately reported to the Permanent Secretary/Head of Department concerned. When the accidental discharge of an extinguisher is deemed by the Permanent Secretary/Head of Department to have been caused through negligence or unwarrantable interference, the cost of a recharge may be recovered from the officer held responsible.

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693. Permanent Secretaries/Heads of Departments should each appoint one or more senior officer(s) to act as Fire Security Officer(s) for all the premises occupied by their bureaux/departments and should inform the Fire Services Department of the name(s) of the officer(s) appointed. Where a bureau/department occupies more than one building or share a building with other bureaux/departments, the bureau/department concerned should give details of the premises for which each Fire Security Officer is responsible.

694. Fire Security Officers are responsible for arranging fire drills and for liaison with the Fire Services Department. They should ensure that –

- (a) fire instructions are promulgated and prominently displayed in all areas of the premises;
- (b) fire drills are arranged and conducted regularly and a record of such drills is kept;
- (c) fire resistant swing-doors, particularly those separating staircases from corridors, are kept closed at all times;
- (d) staff members know the location and method of operating the fire extinguishing equipment provided; and
- (e) staff are aware of the points to which they should report if it is necessary for a building to be evacuated.

695. Instruction to departmental staff in the use of fire appliances can be arranged through the Fire Services Department.

696. Dangerous, inflammable, and corrosive goods should be stored only in places approved by the Director of Fire Services.

697-699

Government Workplaces

700. (1) The Occupational Safety and Health Ordinance (Cap. 509) which binds the Government prescribes measures to ensure the safety and health of employees when they are at work. Permanent Secretaries/Heads of Departments should ensure that the provisions of the Ordinance are complied

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with in all Government workplaces under their control. Breaches of the provisions should be fully investigated, in particular where wilful negligence or gross misconduct is involved, and remedial actions should be taken.

(2) A ‘workplace’ means any place where employees work, except :

- (a) an aircraft or vessel;
- (b) the driver seat of a land transport vehicle; and
- (c) any other place prescribed in the Occupational Safety and Health Ordinance (Cap. 509) and its subsidiary Regulations.

(3) The Factories and Industrial Undertakings Ordinance (Cap. 59) does not apply to Government workshops but such workshops should, nevertheless, conform in all respects to the standards of safe working as prescribed by the Ordinance and related subsidiary legislation, and they are subject to the same measure of inspection and control by the Labour Department.

(4) A ‘workshop’ means a factory or mine (including a quarry or other works for the extraction of stone) or any place in which a dangerous or scheduled trade (as defined in the Factories and Industrial Undertakings Ordinance (Cap. 59)) is carried on.

701. Permanent Secretaries/Heads of Departments should ensure that every facility is given to Occupational Safety Officers carrying out inspections of Government workplaces, and should instruct their staff that any recommendation made by these officers regarding safety, health and welfare in these workplaces must be given immediate attention.

702. (1) A report must be made to the Commissioner for Labour, within seven days of its occurrence, of any industrial or occupational accident which causes injury to any employee, where the injury results in the employee being absent from work for three days or more.

(2) If an accident results in serious injury as defined or death, either immediately or subsequent to disablement, the Commissioner for Labour must be informed within twenty-four hours of the serious injury or death.

(3) Any ‘dangerous occurrence’, as defined in the Factories and Industrial Undertakings Ordinance (Cap. 59) as well as the Occupational Safety and Health Ordinance (Cap. 509), must also be reported to the Commissioner for Labour within twenty-four hours whether or not any persons are injured.

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(4) For the discovery of any occupational disease which results in incapacity or death of an employee, a report must also be made to the Commissioner for Labour within seven days in case of incapacity and twenty-four hours in case of death.

703. Permanent Secretaries/Heads of Departments should consult the Commissioner for Labour on all aspects of safety, health and welfare in Government workplaces. In particular, the Commissioner for Labour should be consulted in the early stages of planning if the bureau/department intends to set up a new workplace or process, or to expand an existing one.

704. Compensation matters for civil servants who are injured or die on duty are covered in CSRs 792-794. The procedures to be followed in processing injury or death on duty cases (as a result of accidents arising out of and in the course of employment), including the reporting of such accidents to the Commissioner for Labour as required under the Employees' Compensation Ordinance (Cap. 282), are set out in Annex 4.5 of the Civil Service Regulations. The above arrangements are in general applicable to cases involving occupational diseases as prescribed under the Employees' Compensation Ordinance (Cap. 282).

705-709

Provision of Analytical, Advisory and Investigatory Services by the Government Laboratory

710. The Government Chemist has the statutory responsibility for providing Government Chemist's Certificates under section 25 of the Evidence Ordinance (Cap. 8) as well as Public Analyst's Certificates under section 64 of the Public Health and Municipal Services Ordinance (Cap. 132). Permanent Secretaries/Heads of Departments should liaise with the Government Chemist when such certificates and/or other analytical, advisory and investigatory services are required of the Government Laboratory.

711-719

CHAPTER VI – DEPARTMENTAL RELATIONS AND RESPONSIBILITIES

Narcotics

720. The Commissioner for Narcotics has the responsibility for co-ordinating, in conjunction with the Action Committee Against Narcotics, Government's overall strategy to stop the illicit trafficking of drugs into and out of Hong Kong and to tackle the problem of drug abuse. Bureaux and departments are requested to refer to the Commissioner for Narcotics any information or suggestions which may assist him/her in discharging this responsibility.

721-724

Firearms and Ammunition

725. (1) No officer may possess or carry firearms or ammunition unless he/she holds a licence under the Firearms and Ammunition Ordinance (Cap. 238), or has been expressly exempted from the provisions of that Ordinance.

(2) If in the opinion of a Head of Department it is necessary for an officer to carry firearms and ammunition in the course of his/her official duties, an application for exemption should be made to the Commissioner of Police. If exemption is granted, it may be made subject to such conditions as the Commissioner may decide.

726. If required, the Commissioner of Police may issue firearms and ammunition on loan to the exempted officers.

727. Heads of Departments are responsible for the proper maintenance of firearms and ammunition held by officers of their departments, for their safe custody, and for ensuring that they are carried only in the course of duty.

728. Officers who have been exempted under the Firearms and Ammunition Ordinance (Cap. 238) are responsible for the safe custody of firearms and ammunition at all times that they are in their possession and will be held liable for their loss or negligent use.

729. An exempted officer who carries his/her own firearms and ammunition in the course of his/her official duties will not be compensated for its loss or damage.

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730. (1) If an officer ceases to qualify for exemption, his/her Head of Department must inform the Commissioner of Police, who will withdraw the exemption granted under the Firearms and Ammunition Ordinance (Cap. 238).

(2) In that event, an officer who has carried his/her own firearms and ammunition in the course of his/her official duties must either surrender the firearms and ammunition or apply to the Commissioner of Police for a licence under the Firearms and Ammunition Ordinance (Cap. 238).

731-739

Management and Preservation of Trees on Government Land

740. (1) It is Government policy to ensure that trees are properly managed and attention is paid to inspecting trees and undertaking mitigation measures promptly particularly in areas with high pedestrian and/or vehicular flow which pose potential risk to the public.

(2) Departments should reinforce inspection of trees with the priority being to protect public safety.

(3) Particular attention should be paid to trees with higher risk : stonewall trees, mature trees and trees with major health and/or structural problems in areas with high pedestrian and/or vehicular flow.

(4) Departments are to follow through with the appropriate mitigation and remedial management and maintenance measures to enhance public safety.

(5) Trees that can be preserved should comply with the policy on tree preservation from feasibility, planning, design, construction to post-construction stages of a development; the procedures for control of tree felling, transplanting and pruning in Government projects; and departmental responsibilities in handling proposals on tree preservation and removal as stipulated in the relevant Development Bureau Technical Circular.

(6) Bureaux/Departments should observe the guidelines related to tree risk assessment, transplanting, pruning and proper tree maintenance issued by the Greening, Landscape and Tree Management Section of the Development Bureau.

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741-744

Requests for Court Records

745. Requests for copies of court records and other documents in connection with criminal cases should be made through the Director of Public Prosecutions of the Department of Justice who will then submit the request to the Court if he/she thinks it appropriate.

746. Copies of court records are normally supplied free of charge to bureaux/departments, unless there is a legislative requirement to pay fees in which case the charges are normally met from the departmental vote of the bureau/department making the request.

747-749

Government Identity Cards and Departmental Warrant Cards

750. The Government Identity Card is intended for the use of all Government officers who require an official means of identification in connection with their work. The Departmental Warrant Card is complementary to the Government Identity Card and has been designed for the insertion of departmental warrants as required. Neither document is, however, acceptable as proof of identity in lieu of the Hong Kong identity card issued under the Registration of Persons Ordinance (Cap. 177) or any other approved document required to be carried at all times under the provisions of the Immigration Ordinance (Cap. 115).

751. Permanent Secretaries/Heads of Departments are responsible for the issue of both types of cards and for maintaining registers of cards issued. Where a photograph of an officer cannot be taken by the bureau/department concerned free of charge, a flat rate of \$8 as a token of the cost of the photograph supplied by an officer for the issue of a Government Identity Card or a Departmental Warrant Card is reimbursable. Both of the Government Identity Card and Departmental Warrant Card (if issued) should be withdrawn from an officer leaving the grade or the Government service as appropriate. Cards so withdrawn should be destroyed.

752. Any loss of a Government Identity Card or Departmental Warrant Card must be thoroughly investigated. An officer who loses his/her card and is unable to provide a satisfactory explanation for the loss will be required to pay a replacement charge. The replacement charges for

CHAPTER VI – DEPARTMENTAL RELATIONS AND RESPONSIBILITIES

a lost Government Identity Card and for a lost Departmental Warrant Card are prescribed in the relevant Circular Memorandum issued by the Director of Administration. For the production of replacement cards, the Data Sheets (G.F. 15A or G.F. 15B) should be re-used as appropriate. If the photograph on the Data Sheet cannot be re-used, e.g. having been damaged or is worn out, and the officer concerned is required to produce a photograph to replace the one on the Data Sheet, he/she may be reimbursed the \$8 token cost.

Procedures for issue of Government Identity Cards

753. The Government Identity Card is worded as follows –

	No.
決策局／部門 Bureau/Department	
.....	
職位 Office held	(photograph)
.....	
持證人姓名 Holder's name	
.....	

On the back there is space for the date of issue and the signature of the issuing officer. The office refers to the grade/rank of appointment held but not the departmental post title, e.g. 'Senior Executive Officer', not 'Secretary, Radio Television Hong Kong'; 'Medical and Health Officer', not 'M.O. i/c Tai Po Clinic'. Whether only the grade or both the grade and rank of appointment should be inserted is left to the discretion of the Permanent Secretary/Head of Department issuing the cards, having regard to the operational requirements and the need to minimise the frequency of issuing replacement cards.

754. Pre-printed Government Identity Cards (G.F. 15) are kept in the Government Logistics Department. The Data Sheets (G.F. 15A) as general forms can be ordered from the Government Logistics Department under the annual ordering exercise for general printed forms.

755. Bureaux/Departments should complete the Data Sheets in both Chinese and English and send them to the Government Logistics Department. The Government Logistics Department will then arrange to transfer the particulars as well as the photographs from the Data Sheets to the front side of the pre-printed Government Identity Cards by electronic means.

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756. After the front side of the Government Identity Cards has been printed electronically, the bureau/department concerned will be informed to collect the half-finished cards for completion of the particulars on the reverse side of the cards. Completed cards should then be forwarded to the Government Logistics Department which will arrange for them to be laminated before returning them to the bureau/department concerned for issue. At the same time, the Government Logistics Department will also return the Data Sheets (G.F. 15A) to the bureau/department concerned for safe custody and re-use in producing replacement cards.

Procedures for issue of Departmental Warrant Cards

757. Similar procedures as for Government Identity Cards should be followed for the issue of Departmental Warrant Cards except that bureaux/departments are required to order from the Government Logistics Department by means of a Printing Order (G.F. 3) and to keep sufficient stock of their own pre-printed Departmental Warrant Cards. However, bureaux/departments must ensure that the cards are kept under lock and key.

758. A special pre-printed Data Sheet (G.F. 15B) is designed for the Departmental Warrant Cards and can be ordered from the Government Logistics Department under the annual ordering exercise for general printed forms. Bureaux/Departments are required to send both the Data Sheets (G.F. 15B) which should be completed in both Chinese and English and their own pre-printed Departmental Warrant Cards to the Government Logistics Department for arranging electronic image-transfer and lamination following similar procedures as for Government Identity Cards.

759

University Grants Committee and Higher Education Institutions

760. The University Grants Committee is the principal channel of communication between the Government and the eight higher education institutions consisting of City University of Hong Kong, Hong Kong Baptist University, Lingnan University, The Chinese University of Hong Kong, The Education University of Hong Kong, The Hong Kong Polytechnic University, The Hong Kong University of Science and Technology and The University of Hong Kong. It communicates with the Government mainly through the Education Bureau and the Financial Services and the Treasury Bureau (The Treasury Branch). It may, however, deal with other bureaux/departments on specific issues, in which case the bureau/department concerned should keep

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the Permanent Secretary for Education and the Permanent Secretary for Financial Services and the Treasury (Treasury) informed by copying of correspondence.

761. Bureaux/Departments may correspond directly with the eight higher education institutions on matters which are under their direct responsibility. However, on all matters which are likely to have funding implications for the institutions, they must keep the Permanent Secretary for Education, the Permanent Secretary for Financial Services and the Treasury (Treasury) and the Secretary-General to the University Grants Committee informed.

762. Bureaux/Departments may have specific requests for higher education institutions to provide academic courses or training to meet specific manpower needs and they may discuss possibilities for such courses or training informally with individual institutions. However, any formal request for the introduction of an academic course or a training programme may only be made by the Permanent Secretary for Education. All bureau or departmental requests should be sent to the Permanent Secretary for Education in the first instance, and copied to the Secretary-General to the University Grants Committee and the Permanent Secretary for Financial Services and the Treasury (Treasury). The Permanent Secretary for Education shall then decide whether such requests should be formally conveyed to the University Grants Committee.

Maintenance and Repair of Electrical and Mechanical Installations and Equipment in Government Buildings

763. The Electrical and Mechanical Services Trading Fund provides maintenance and repair services in respect of electrical and mechanical installations and equipment in Government buildings, venues and facilities at a charge under its trading fund operation. Alternatively, bureaux/departments may wish to seek the service from other service providers. The procedures prescribed in the relevant Stores and Procurement Regulations, Financial Circulars and Development Bureau Technical Circulars should be followed.

764-999

CHAPTER VI – DEPARTMENTAL RELATIONS AND RESPONSIBILITIES

Appendix to Chapter VI

Countries/Regions/Areas/Organisations Covered by the Office of the Government of the Hong Kong Special Administrative Region in Beijing, the Hong Kong Economic and Trade Offices, and the Hong Kong Economic, Trade and Cultural Office (Taiwan)

Mainland of China

Areas/Organisations Covered

Office of the Government of the
Hong Kong Special Administrative
Region in Beijing

Beijing, Gansu, Hebei, Heilongjiang, Inner
Mongolia, Jilin, Liaoning, Ningxia, Tianjin
and Xinjiang

Hong Kong Economic and Trade
Office in Chengdu

Chongqing, Guizhou, Qinghai, Shaanxi,
Sichuan and Tibet

Hong Kong Economic and Trade
Office in Guangdong

Fujian, Guangdong, Guangxi, Hainan and
Yunnan

Hong Kong Economic and Trade
Office in Shanghai

Anhui, Jiangsu, Shandong, Shanghai and
Zhejiang

Hong Kong Economic and Trade
Office in Wuhan

Henan, Hubei, Hunan, Jiangxi and Shanxi

Taiwan, China

Areas/Organisations Covered

Hong Kong Economic, Trade and
Cultural Office (Taiwan)

Taiwan

Overseas

Areas/Organisations Covered

North America

Hong Kong Economic and Trade
Office in Washington DC

USA

Note : The Commissioner for Economic and
Trade Affairs, USA is responsible for
overseeing the work of the Hong Kong
Economic and Trade Offices in Washington
DC, New York and San Francisco.

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Overseas

Hong Kong Economic and Trade Office in New York

Areas/Organisations Covered

31 eastern states of the USA (namely, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin)

Hong Kong Economic and Trade Office in San Francisco

19 western states of the USA (namely, Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming)

Hong Kong Economic and Trade Office in Toronto

Canada

Europe

Hong Kong Economic and Trade Office in Brussels

European Commission, European Parliament, other European Union supranational institutions, Belgium, Bulgaria, Croatia, Cyprus, France, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Portugal, Romania, Spain and Turkey

Note : The Special Representative for Hong Kong Economic and Trade Affairs to the European Union is responsible for overseeing the work of the Hong Kong Economic and Trade Offices in Brussels, Berlin and London.

Hong Kong Economic and Trade Office in Berlin

Austria, Czech Republic, Germany, Hungary, Poland, Slovak Republic, Slovenia and Switzerland

Hong Kong Economic and Trade Office in London

Denmark, Estonia, Finland, Latvia, Lithuania, Norway, Russia, Sweden and the United Kingdom

CHAPTER VI – DEPARTMENTAL RELATIONS AND RESPONSIBILITIES

Overseas

Hong Kong Economic and Trade Office in Geneva

Areas/Organisations Covered

Representing ‘Hong Kong, China’ as a member of the World Trade Organization and the Advisory Centre on WTO Law, and as a participant of the Trade Committee of the Organization for Economic Co-operation and Development

Note : The Hong Kong Economic and Trade Office in Geneva does not serve the Government-to-Government contacts with Switzerland.

Asia-Pacific

Hong Kong Economic and Trade Office in Jakarta

Representing the Government of the Hong Kong Special Administrative Region in matters between Hong Kong and the Association of Southeast Asian Nations (ASEAN) as a whole, and covering Brunei Darussalam, Indonesia, Malaysia and the Philippines

Note: The Director-General, Hong Kong Economic and Trade Affairs, Jakarta is responsible for overseeing the work of the Hong Kong Economic and Trade Office in Singapore.

Hong Kong Economic and Trade Office in Singapore

Cambodia, Laos, Myanmar, Singapore, Thailand and Vietnam

Hong Kong Economic and Trade Office in Sydney

Australia and New Zealand

Hong Kong Economic and Trade Office in Tokyo

Japan and Republic of Korea (South Korea)